

BILL NO. G-76-04-56  
(AS AMENDED)

GENERAL ORDINANCE NO. G 23-76

AN ORDINANCE licensing and regulating  
massage establishments and related enterprises.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL  
OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. DEFINITIONS. For the purposes of this  
section the following words and phrases shall have the  
meanings respectively ascribed to them:

1.1 "Massage" shall mean any means of treating  
the external parts of the body by applying any pressure  
on, friction against or stroking, kneading, rubbing, tapping  
with the hands or instruments.

1.2 "Massage Establishment" shall mean any building,  
room, place or establishment, other than a regularly licensed  
hospital or dispensary, where nonmedical and nonsurgical  
manipulative exercises are practiced upon the human body with  
or without the use of mechanical or bath devices, by any  
person not a physician, osteopath, chiropractor or physical  
therapist duly registered with and licensed by the state.

1.3 "Massage Therapist" shall mean a person who  
practices, administers all or any of the methods of treatment  
of massage.

1.4 "Employee" shall mean a person other than a  
massage therapist who renders any service for the operator  
and who received compensation directly or indirectly from  
the licensee, but has no physical contact with customers  
or clients.

1.5 "Operator" shall mean any person who owns or  
operates a massage establishment.

1  
2  
3 SECTION 2. LICENSES.

4 2.1 No person shall give or administer a massage  
5 without first obtaining a license therefor from the City  
6 Controller as provided in this ordinance.

7 2.2 Each person who operates, conducts, owns or  
8 maintains a massage establishment shall first obtain an  
9 operator's license therefor.

10 SECTION 3. OPERATING REGULATIONS.

11 3.1 No massage establishment shall be operated or  
12 conducted in any district not permitted by the Fort Wayne  
13 Zoning Ordinance, Chapter 33 of the Code of the City of Fort  
14 Wayne, Indiana, 1974.

15 3.2 All licensees under this ordinance shall be  
16 subject to all provisions of this ordinance and any other  
17 city ordinances, county ordinances and state statutes and  
18 to the regulation of the various administrative bodies of  
19 the city, county and state, the violation of which regulations,  
20 ordinances or statutes shall be grounds for revocation of  
21 their licenses.

22 3.3 It shall be unlawful for any person to be  
23 employed by any operator under this ordinance, or to be  
24 within view of any of the services rendered by a massage  
25 establishment, who has not reached the age of twenty-one  
26 (21) years.

27 3.4 No massage establishment holding a license under  
28 this ordinance shall depict, place, publish, distribute or  
29 cause to be depicted, placed, published, distributed any  
30 advertising matter that depicts any portion of the human body  
31 that would reasonably suggest to prospective patrons that any  
32 services are available other than those services permitted by  
33 this ordinance, and all advertisements shall contain the number  
34 of the city license held by the massage establishment.

1  
2  
3  
4 SECTION 4. INSPECTIONS. Every massage establishment  
5 shall be open for inspection at all times by police officers  
6 and duly authorized representatives of the City Controller,  
7 including representatives of the City County Building Department  
8 and the Board of Public Health, upon the showing of proper  
9 credentials by such persons. It shall be unlawful to deny such  
10 persons entry to such establishments.

11 SECTION 5. APPLICATION FOR OPERATOR'S LICENSE.  
12 Application for an operator's license required by this division  
13 shall be made to the City Controller on application forms  
14 prescribed by him. The application for a license shall  
15 contain the following information and shall be individually  
16 signed by the applicant:

- 17 (a) The name of the applicant;
- 18 (b) The residence address and social security  
19 number of the applicant;
- 20 (c) The business address of the applicant;
- 21 (d) The number of massage tables, shower stalls,  
22 bath stalls or other such individual units;
- 23 (e) The age and citizenship of the applicant,  
24 in the case of individuals; and of the  
25 manager and officers, in the case of a  
26 corporation;
- 27 (f) The names, addresses, ages, citizenship  
28 and designations of each person connected  
29 with the applicant's establishment;
- 30 (g) Whether the applicant or the manager or  
31 officers have ever been previously engaged  
32 in operating a massage establishment;
- 33 (h) Whether any applicant, or in the case of a  
34 corporation, its manager, officers, directors  
35 or stockholders, has ever been convicted  
of any act of violence, moral turpitude,  
sex offense or prior violation of this

ordinance;

- (i) An agreement by the operator permitting inspection; and
- (j) The type of license being applied for by the applicant.

SECTION 6. APPLICATION FOR MESSAGE THERAPIST AND/OR  
EMPLOYEE LICENSE.

6.1 Along with the application for an operator's license filed pursuant to Section 5, there shall be filed a verified application for a message therapist's license by each individual who is to be employed in the establishment. Such application shall contain the following information:

- (a) The name of the applicant and social security number of the applicant;
- (b) The age of the applicant;
- (c) The sex of the applicant;
- (d) The address of the applicant;
- (e) The citizenship of the applicant;
- (f) Whether the applicant has been convicted of any public offense concerning an act of violence, moral turpitude, sex offense or prior violation of this ordinance;
- (g) The nature of the work performed; and
- (h) The name of school or schools wherein the method, profession and work of message therapist was taught to applicant and a copy of the diploma or certificate received by applicant.

6.2 Any applicant for a license to engage in the practice of message therapy must submit a certificate or affidavit of his respective qualifications of the applicant as to schooling, training and experience, and where and how obtained.

1  
2  
3  
4 SECTION 7. HEALTH CERTIFICATE. Along with the  
5 application for a license required by this ordinance, there  
6 shall be submitted a certificate from the City County Board  
7 of Health on a form prescribed by the City Controller certifying  
8 that the applicant is free from communicable diseases and  
9 that an examination has been made within thirty (30) days  
10 prior to the application for the license sought.

11 SECTION 8. LICENSE FEES.

12 8.1 Each person who desires a massage establishment  
13 operator's license shall pay an annual fee of One Hundred  
14 Dollars (\$100.00).

15 8.2 The applicant for a massage therapist's license  
16 shall pay an annual fee of Fifty Dollars (\$50.00).

17 8.3 The applicant for an employee's license in a  
18 massage establishment shall pay an annual fee of Ten Dollars  
19 (\$10.00).

20 SECTION 9. COMPLAINTS. All complaints of alleged  
21 violations of the provisions of this ordinance shall be made  
22 in writing to the City Controller.

23 SECTION 10. INVESTIGATION OF APPLICANT; GROUNDS FOR  
24 DENIAL; REVOCATION OR SUSPENSION OF A LICENSE.

25 10.1 The City Controller, before issuing any license  
26 pursuant to this ordinance, shall investigate the character  
27 of the applicant and its officers, directors and manager if it  
28 is a corporation. No license shall be issued if the City  
29 Controller shall find:

- 30 (a) That any person named in the application has  
31 previously had a license with any massage  
32 establishment where the license therefor has  
33 been revoked, or where any of the provisions  
34 of the law applicable to massage establish-  
35 ments have been violated;

- 1  
2  
3  
4 (b) That the premises sought to be licensed  
5 failed to comply in any manner with this  
6 ordinance or with other ordinances and laws  
7 applicable thereto;  
8 (c) That any person named in the application  
9 has ever been convicted of any act of  
10 violence, moral turpitude, sex offense or  
11 prior violation of this ordinance;  
12 (d) That any person named in the application  
13 cannot provide a certificate from a licensed  
14 medical practitioner certifying that the  
15 applicant is free from communicable diseases  
16 and that an examination has been made within  
17 thirty (30) days prior to the date of the  
18 application; and  
19 (e) That any person named in the application  
20 has made a false statement on the application.

21 10.2 Any license issued for a massage establishment or  
22 a massage therapist or employee may be revoked or suspended by  
23 the City Controller after a hearing for good cause. Cause  
24 for revocation or suspension shall include the violation of  
25 any of the provisions of this ordinance or of any criminal  
26 statute of the State of Indiana by the applicant or by any  
27 employee of the operator or by any massage therapist employed  
28 by the operator.

29 10.3 After a hearing on a written complaint filed  
30 pursuant to this ordinance against a licensee, if the City  
31 Controller determines that the license should be revoked, no  
32 refund of the license fee shall be made.

33 SECTION 11. LICENSE LOCATION AND TERM.

34 11.1 All operators or massage therapists licensed  
35

1  
2  
3 under this ordinance shall show their licenses in a visible  
4 location in their establishments.

5 11.2 Licenses shall be granted for an initial term  
6 ending April 30, next following the issuance of the license,  
7 unless sooner suspended or revoked. Such license must be  
8 renewed annually, and any renewal shall be for a term of  
9 one (1) year from May 1 to April 30.

10 SECTION 12. VIOLATION AND PENALTY.

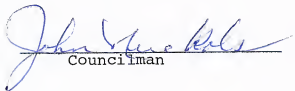
11 12.1 Any person violating any provision of this  
12 ordinance shall be guilty of a misdemeanor and, upon conviction  
13 thereof, shall be fined in the amount not to exceed one  
14 thousand dollars (\$1,000.00) or be imprisoned in jail for a  
15 period not exceeding six (6) months or to be both so fined  
16 and imprisoned. Each day such violation is committed or  
17 permitted to continue shall constitute a separate offense  
18 and shall be punishable as such hereunder.

19 SECTION 13. SEVERABILITY.

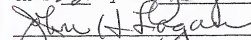
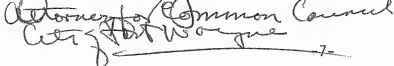
20 13.1 If any section, subsection, paragraph or part  
21 of this ordinance is for any reason held to be unconstitutional  
22 or invalid by any final court of competent jurisdiction, such  
23 decision shall not affect the validity or effectiveness of  
24 the remaining portions of this ordinance.

25 SECTION 14. EFFECTIVE DATE.

26 14.1 This ordinance shall be in full force and  
27 effect upon its approval by the Mayor and legal publication  
28 thereof.

29   
Councilman

30  
31  
32 Approved as to form and legality  
33 this 22 day of July, 1976

34   
35   
City of Hot Springs

Read the first time in full and in action by Nuckols, seconded by Hengo, and duly adopted; read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on the        day of       , 1976, at        o'clock P.M., E.S.T.

Date: 4-27-76

Charles W. Winters  
CITY CLERK

Read the third time in full and on motion by H. Schmidt seconded by V. Schmidt, and duly adopted, placed on its passage. Passed (~~by~~) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT
TOTAL VOTES	<u>8</u>	<u>0</u>		<u>1</u>	
BURNS	<input checked="" type="checkbox"/>				
HUIGA	<input checked="" type="checkbox"/>				
HUNTER	<input checked="" type="checkbox"/>				
MOSES	<input checked="" type="checkbox"/>				
RUCKOLS	<input checked="" type="checkbox"/>				
SCHMIDT, D.	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	
SCHMIDT, V.	<input checked="" type="checkbox"/>				
STIER	<input checked="" type="checkbox"/>				
TALARICO	<input checked="" type="checkbox"/>				

DATE: 7-27-76

Charles W. Winters  
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (Zoning Map) (General) (Appropriation) (Special) (Appropriation) Ordinance (Resolution) No. 12-23-76 on the 27th day of July, 1976.

ATTEST: (SEAL)

Charles W. Winters  
CITY CLERK

James S. Stier  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of July, 1976, at the hour of 11:30 o'clock A P.M., E.S.T.

Charles W. Winters  
CITY CLERK

Approved and signed by me this 30th day of July, 1976, at the hour of 11:00 o'clock a. P.M., E.S.T.

Robert Elmhurst



Bill No. G-76-04-56 (AS AMENDED)

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance  
licensing and regulating massage parlors and related enterprises

have had said Ordinance under consideration and beg leave to report back to the Common  
Council that said Ordinance do PASS. as amended

John Nuckols - Chairman

Paul M. Burns - Vice-Chairman

Vivian G. Schmidt

Winfield C. Moses, Jr.

Donald J. Schmidt

*Concurred 7-27-76 - Charles W. Weston  
City Clerk.*

1  
2  
3 BILL NO. G-76-04- 56

4 GENERAL ORDINANCE NO. G- \_\_\_\_\_

5 AN ORDINANCE licensing and  
6 regulating massage parlors and  
7 related enterprises.

8 NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL  
9 OF THE CITY OF FORT WAYNE, INDIANA:

10 SECTION 1. DEFINITIONS. For the purposes of this  
11 section the following words and phrases shall have the  
12 meanings respectively ascribed to them:

13 1.1 "Massage" shall mean any means of treating  
14 the external parts of the body by applying any pressure  
15 on, friction against or stroking, kneading, rubbing, tapping  
16 with the hands or instruments.

17 1.2 "Massage Establishment" shall mean any building,  
18 room, place or establishment, other than a regularly licensed  
19 hospital or dispensary, where nonmedical and nonsurgical  
20 manipulative exercises are practiced upon the human body with  
21 or without the use of mechanical or bath devices, by any  
22 person not a physician, osteopath, chiropractor or physical  
23 therapist duly registered with and licensed by the state.

24 1.3 "Massage Therapist" shall mean a person who  
25 practices, administers all or any of the methods of treatment  
26 of massage.

27 1.4 "Employee" shall mean a person other than a  
28 massage therapist who renders any service for the operator  
29 and who received compensation directly or indirectly from  
30 the licensee, but has no physical contact with customers  
31 or clients.

32 1.5 "Operator" shall mean any person who owns or  
33 operates a massage parlor.

34  
35 APPROVED AS TO FORM  
AND LEGALITY,

  
CITY ATTORNEY

1  
2  
3  
4  
5 SECTION 2. LICENSES.

6 2.1 No person shall give or administer a massage  
7 without first obtaining a license therefor from the City  
8 Controller as provided in this ordinance.

9 2.2 Each person who operates, conducts, owns or  
10 maintains a massage parlor shall first obtain an operator's  
11 license therefor.

12 SECTION 3. OPERATING REGULATIONS.

13 ✓ 3.1 No massage parlor shall be operated or conducted  
14 in, or with a direct opening to, living quarters. There  
15 shall be a separate entrance to the living quarters and to  
16 the place of business. No person shall use the business  
17 quarters for a place of habitation.

18 3.2 All licensees under this ordinance shall be  
19 subject to all provisions of this ordinance and any other  
20 city ordinances, county ordinances and state statutes and  
21 to the regulation of the various administrative bodies of  
22 the city, county and state, the violation of which regulations,  
23 ordinances or statutes shall be grounds for revocation of  
24 their licenses.

25 ✓ 3.3 It shall be unlawful for any person to be  
26 employed by any operator under this ordinance, or to be  
27 within view of any of the services rendered by a massage  
28 parlor, who has not reached the age of twenty-one (21) years.

29 ✓ 3.4 It shall be unlawful for any person to perform  
30 a massage on the person of the opposite sex.

31 ✓ 3.5 No massage parlor holding a license under this  
32 ordinance shall depict, place, publish, distribute or cause  
33 to be depicted, placed, published, distributed any advertising  
34  
35

1  
2  
3  
4 matter that depicts any portion of the human body that  
5 would reasonably suggest to prospective patrons that any  
6 services are available other than those services permitted  
7 by this ordinance, and all advertisements shall contain  
8 the number of the city license held by the massage estab-  
9 lishment.

10 SECTION 4. INSPECTIONS. Every massage parlor shall  
11 be open for inspection at all times by police officers and  
12 duly authorized representatives of the City Controller,  
13 including representatives of the City County Building  
14 Department and the Board of Public Health, upon the showing  
15 of proper credentials by such persons. It shall be unlawful  
16 to deny such persons entry to such establishments.

17 SECTION 5. APPLICATION FOR OPERATOR'S LICENSE.  
18 Application for an operator's license required by this  
19 division shall be made to the City Controller on application  
20 forms prescribed by him. The application for a license shall  
21 contain the following information and shall be individually  
22 signed by the applicant:

- 23 (a) The name of the applicant;  
24 (b) The residence address of the applicant;  
25 (c) The business address of the applicant;  
26 (d) The number of massage tables, shower stalls,  
27 bath stalls or other such individual units;  
28 (e) The age and citizenship of the applicant,  
29 in the case of individuals; and of the  
30 manager and officers, in the case of a  
31 corporation;  
32 (f) The names, addresses, ages, citizenship  
33 and designations of each person connected  
34 with the applicant's establishment;  
35

- 1  
2  
3  
4 (g) Whether the applicant or the manager or  
5 officers have ever been previously engaged  
6 in operating a massage parlor;  
7 (h) Whether any applicant, or in the case of a  
8 corporation, its manager, officers, directors  
9 or stockholders, has ever been convicted  
10 of any act of violence, moral turpitude,  
11 sex offense or prior violation of this  
12 ordinance;  
13 (i) An agreement by the operator permitting  
14 inspection; and  
15 (j) The type of license being applied for by  
16 the applicant.

17 SECTION 6. APPLICATION FOR MESSAGE THERAPIST AND/OR  
18 EMPLOYEE LICENSE.

19 6.1 Along with the application for an operator's  
20 license filed pursuant to Section 5, there shall be filed  
21 a verified application for a massage therapist's license by  
22 each individual who is to be employed in the establishment.  
23 Such application shall contain the following information:

- 24 (a) The name of the applicant;  
25 (b) The age of the applicant;  
26 (c) The sex of the applicant;  
27 (d) The address of the applicant;  
28 (e) The citizenship of the applicant;  
29 (f) Whether the applicant has been convicted  
30 of any public offense concerning an act of  
31 violence, moral turpitude, sex offense or  
32 prior violation of this ordinance;  
33 (g) The nature of the work performed.  
34  
35

1  
2  
3  
4           6.2 Any applicant for a license to engage in the  
5 practice of massage therapy must submit a certificate or  
6 affidavit of his respective qualifications of the applicant  
7 as to schooling, training and experience, and where and how  
8 obtained.

9           SECTION 7. HEALTH CERTIFICATE. Along with the  
10 application for a license required by this ordinance, there shall  
11 be submitted a certificate from a duly licensed medical  
12 practitioner on a form prescribed by the City Controller  
13 certifying that the applicant is free from communicable  
14 diseases and that an examination has been made within thirty  
15 (30) days prior to the application for the license sought.

16           SECTION 8. LICENSE FEES.

17           8.1 Each person who desires a massage parlor operator's  
18 license shall pay an annual fee of one hundred dollars (\$100.00).

19           8.2 The applicant for a massage therapist's license  
20 shall pay an annual fee of fifty dollars (\$50.00).

21           8.3 The applicant for an employee's license in a  
22 massage parlor shall pay an annual fee of ten dollars (\$10.00).

23           SECTION 9. COMPLAINTS. All complaints of alleged  
24 violations of the provisions of this ordinance shall be made  
25 in writing to the City Controller.

26           SECTION 10. INVESTIGATION OF APPLICANT; GROUNDS FOR  
27 DENIAL; REVOCATION OR SUSPENSION OF A LICENSE.

28           10.1 The City Controller, before issuing any license  
29 pursuant to this ordinance, shall investigate the character  
30 of the applicant and its officers, directors and manager if it  
31 is a corporation. No license shall be issued if the City  
32 Controller shall find:

- 33           (a) That any person named in the application has  
34 previously had a license with any massage  
35 parlor where the license therefor has been

revoked, or where any of the provisions of the law applicable to massage parlors have been violated;

- (b) That the premises sought to be licensed failed to comply in any manner with this ordinance or with other ordinances and laws applicable thereto;
- (c) That any person named in the application has ever been convicted of any act of violence, moral turpitude, sex offense or prior violation of this ordinance;
- (d) That any person named in the application cannot provide a certificate from a licensed medical practitioner certifying that the applicant is free from communicable diseases and that an examination has been made within thirty (30) days prior to the date of the application; and
- (e) That any person named in the application has made a false statement on the application.

10.2 Any license issued for a massage parlor or a massage therapist or employee may be revoked or suspended by the City Controller after a hearing for good cause. Cause for revocation or suspension shall include the violation of any of the provisions of this ordinance or of any criminal statute of the State of Indiana by the applicant or by any employee of the operator or by any massage therapist employed by the operator.

10.3 After a hearing on a written complaint filed pursuant to this ordinance against a licensee, if the City Controller determines that the license should be revoked, no refund of the license fee shall be made.

1  
2  
3  
4 SECTION 11. LICENSE LOCATION AND TERM.

5 11.1 All operators or massage therapists licensed  
6 under this ordinance shall show their licenses in a visible  
7 location in their establishments.

8 11.2 Licenses shall be granted for an initial term  
9 ending April 30, next following the issuance of the license,  
10 unless sooner suspended or revoked. Such license must be  
11 renewed annually, and any renewal shall be for a term of  
12 one (1) year from May 1 to April 30.

13 SECTION 12. VIOLATION AND PENALTY.

14 12.1 Any person violating any provision of this  
15 ordinance shall be guilty of a misdemeanor and, upon conviction  
16 thereof, shall be fined in the amount not to exceed one  
17 thousand dollars (\$1,000.00) or be imprisoned in jail for a  
18 period not exceeding six (6) months or to be both so fined  
19 and imprisoned. Each day such violation is committed or  
20 permitted to continue shall constitute a separate offense  
21 and shall be punishable as such hereunder.

22 SECTION 13. SEVERABILITY.

23 13.1 If any section, subsection, paragraph or part  
24 of this ordinance is for any reason held to be unconstitutional  
25 or invalid by any final court of competent jurisdiction, such  
26 decision shall not affect the validity or effectiveness of  
27 the remaining portions of this ordinance.

28 SECTION 14. EFFECTIVE DATE.

29 14.1 This ordinance shall be in full force and  
30 effect thirty (30) days after its passage, approval by the  
31 Mayor and legal publication thereof.

32  
33   
34 Councilman  
35



P E T I T I O N

FORT WAYNE, INDIANA

June 22 1976

THE UNDERSIGNED ARE, RESIDENTS, PROPERTY OWNERS, BUSINESS AND CHURCH REPRESENTATIVES OF THE APPLESEED SOUTH WEST NEIGHBORHOOD ASSOCIATION AREA.

WE BELIEVE THAT THE EXISTANCE OF:

- MAGIC FINGERS MASSAGE PARLOR
- ALLADINS MASSAGE PARLOR
- R & R MASSAGE PARLOR
- THEATER A

ARE DETRIMENTAL TO THE MORALS OF OUR CHILDREN. THEY ALSO REPRESENT A LIABILITY TO BUSINESS CUSTOMERS AND PROPERTY VALUE AND ARE INCOMPATIBLE WITH THE MORAL AND RELIGIOUS STATUS OF THE NEIGHBORHOOD.

IN VIEW OF THE ABOVE MENTIONED CIRCUMSTANCES, WE REQUEST THE REMOVAL OF THESE NUISANCES.

NAME	ADDRESS
<i>Peggy R. Rye</i>	1309 Home Avenue
<i>Ann S. Brown</i>	1341 Home Ave
<i>Molly Young</i>	1210 Home Ave
<i>Larry Young</i>	1210 Home Ave
<i>Michael B. Brown</i>	1218 Home Ave
<i>Ruth H. Brown</i>	1242 Home Ave
<i>Beth P. Brown</i>	1242 Home Ave
<i>Bernard Webster</i>	1207 Scott Ave
<i>Marion Lampert</i>	2928 Broadway
<i>Raymond C. Johnson</i>	2934 Broadway
<i>Mary L. Johnson</i>	2938 Broadway
<i>John Smith</i>	2940 1/2 Broadway
<i>John Smith</i>	2940 1/2 Broadway
<i>Lee Janaro</i>	3104 Broadway
<i>Frank Petrella</i>	3104 Broadway
<i>Frank Nichols</i>	3106 Broadway
<i>Linda Peters</i>	3108 Broadway
<i>Ray Weber</i>	3118 Broadway
<i>Edith Weber</i>	3118 Broadway
<i>Edith Weber</i>	3138 "
<i>H. Zimmerman</i>	3208 1/2 Broadway
<i>L. K. Brown</i>	3220 Broadway
<i>Lillian Bagley</i>	3226 Broadway
<i>Mrs. J. Johnson</i>	3230 Broadway
<i>Mark Peters</i>	(3216 Broadway)
<i>Clifford Fuf</i>	3136 Broadway
<i>Edna McGee</i>	3124 1/2 Broadway
<i>Richard J. Brown</i>	2926 Broadway
<i>John Trayer</i>	1226 Home Ave.
<i>Max Grant</i>	1314 Home Ave
<i>George L. Grant</i>	1314 Home Ave
<i>Boyle L. Kidding</i>	2913 Thompson Ave
<i>Donna &amp; Clark</i>	3108 Thompson Ave
<i>Doris Creager</i>	3006 Thompson Ave.
<i>Stefan H. Cich</i>	2906 Thompson Ave.
<i>John C. Cich</i>	2906 Thompson Ave

*Reviewed  
and attested  
6/2/76  
du*

# P E T I T I O N

FORT WAYNE, INDIANA

June 22, 1976

THE UNDERSIGNED ARE, RESIDENTS, PROPERTY OWNERS, BUSINESS AND CHURCH REPRESENTATIVES OF THE APPEASED SOUTH WEST NEIGHBORHOOD ASSOCIATION AREA.

WE BELIEVE THAT THE EXISTENCE OF:

- MAGIC FINGERS MASSAGE PARLOR
- ALLADINS MASSAGE PARLOR
- R & R MASSAGE PARLOR
- THEATER A

ARE DETRIMENTAL TO THE MORALS OF OUR CHILDREN. THEY ALSO REPRESENT A LIABILITY TO BUSINESS CUSTOMERS AND PROPERTY VALUE AND ARE INCOMPATIBLE WITH THE MORAL AND RELIGIOUS STATUS OF THE NEIGHBORHOOD.

IN VIEW OF THE ABOVE MENTIONED CIRCUMSTANCES, WE REQUEST THE REMOVAL OF THESE NUISANCES.

NAME

ADDRESS

Kris Connor	1302 Home Ave
James R Connor	1302 Home Ave
Edward W Trade	1305 Home Ave
Elsa Freda	1305 Home
Dorcas Brown	1241 Home Ave
Jordan Parker	1301 Home Ave
Clark Parker	1301 Home Ave
Harriet Brighardt	1237 Home Ave
Wm Brighardt	1237 Home Ave
Robert Lamp	3141 Thompson Ave
R E O. Hays	3143 Thompson Ave
Louisa L. Juby	3143 Thompson Ave
Lynne Sue Juby	3143 Thompson Ave
Joetta Mae Carroll	3228 Thompson Ave
Helen Blossell	3215 Dinwiddie Ave
Walter A. Passall	3215 Dinwiddie Ave
Georgia Kallanyan	3219 Dinwiddie Ave
Olivia Ranyan	3219 Dinwiddie Ave
George Weideman	3221 Dinwiddie Ave
Mrs George Wageman	3221 Dinwiddie Ave
Mrs. C. R. Birkenhead	3221 Dinwiddie Ave
Dane Birkenhead	3221 Dinwiddie Ave
Mary E. Kacala	3225 Dinwiddie Ave
M. Kacala	3225 Dinwiddie Ave
Marion A. Bagnay	1319 Packard Ave
Harry E. Sacy	3222 Dinwiddie
Alice A. Sacy	3222 Dinwiddie
Thomas H. Benedick	1229 Home Avenue
Ardenna M. Benedick	1229 Home Avenue
Ronald L. Shael (Mrs)	1229 Home Avenue
Wm. D. L. Kin	3003 Thompson Ave
Joe Baughen	3003 Thompson Ave
J. H. Baughen	3003 Thompson Ave
B. E. Carpenter	2810 Thompson Ave

P E T I T I O N

FORT WAYNE, INDIANA

*June 28, 1976*

THE UNDERSIGNED ARE, RESIDENTS, PROPERTY OWNERS, BUSINESS AND CHURCH REPRESENTATIVES OF THE APPEASED SOUTH WEST NEIGHBORHOOD ASSOCIATION AREA.

WE BELIEVE THAT THE EXISTANCE OF:

- MAGIC FINGERS MESSAGE PARLOR
- ALLADINS MESSAGE PARLOR
- R & R MESSAGE PARLOR
- THEATER A

ARE DETRIMENTAL TO THE MORALS OF OUR CHILDREN. THEY ALSO REPRESENT A LIABILITY TO BUSINESS CUSTOMERS AND PROPERTY VALUE AND ARE INCOMPATIBLE WITH THE MORAL AND RELIGIOUS STATUS OF THE NEIGHBORHOOD.

IN VIEW OF THE ABOVE MENTIONED CIRCUMSTANCES, WE REQUEST THE REMOVAL OF THESE NUISANCES.

NAME	ADDRESS
<i>Miss Vera Eady</i>	<i>1317 Home Avenue</i>
<i>Mrs Patricia Jacob</i>	<i>1325 Home Avenue</i>
<i>Margaret Mathieu</i>	<i>1322 Home Ave.</i>
<i>Elmer C. Schuchling</i>	<i>1332 Home Ave</i>
<i>Helon S. Schuchling</i>	<i>1332 Home Ave</i>
<i>Ernest P. Mathieu</i>	<i>1322 Home Ave</i>
<i>Jacqueline L. Cook</i>	<i>1338 Home Ave</i>
<i>Ronald W. Cook</i>	<i>1338 Home Ave</i>
<i>Dale E. Laver</i>	<i>1342 Home Ave</i>
<i>Ruth M. Laver</i>	" " "
<i>Margaret C. Laver</i>	<i>1346 Home Ave</i>
<i>Michael J. Snare</i>	" " "
<i>Howard Meyer</i>	<i>1214 Home Ave</i>
<i>Mildred S. Meyer</i>	<i>1214 Home Ave</i>
<i>Betty L. H. Meyer</i>	<i>1218 Home Ave</i>
<i>Eva C. Suckler</i>	<i>1222 Home</i>
<i>Mrs Don Troy</i>	<i>1226 Home Ave</i>
<i>Max Frankel</i>	<i>1230 Home</i>
<i>Frank W. ...</i>	
<i>Nancy Shadle</i>	<i>1238 Home</i>
<i>James L. Shadle</i>	<i>1238 Home</i>
<i>Willard F. Minnick</i>	<i>1306 Home</i>
<i>Laura K. Minnick</i>	<i>1306 Home Ave</i>
<i>Joe Gross</i>	<i>1310 Home</i>
<i>Shirley Moore</i>	<i>1318 Home Ave</i>
<i>Race Moore</i>	<i>1318 Home Ave</i>
<i>Edith S. Carden</i>	<i>1326 Home Ave</i>
<i>Richard A. Bauer</i>	<i>1350 Home Ave</i>
<i>M. M. Coon</i>	<i>1354 Home Ave</i>
<i>Don Coon</i>	<i>1351 Home Ave</i>
<i>Don Coon</i>	<i>1351</i>
<i>Sharon Desjardins</i>	<i>1337 Home</i>
<i>Mrs Helen Baker</i>	<i>1327 Home</i>
<i>Melvin J. Sider</i>	<i>1337 Home</i>
<i>Mrs Robert Gerdner</i>	<i>1329 Home</i>
<i>Carol Beery</i>	<i>1329 Home</i>

# P E T I T I O N

FORT WAYNE, INDIANA

June 23, 1976

THE UNDERSIGNED ARE, RESIDENTS, PROPERTY OWNERS, BUSINESS AND CHURCH REPRESENTATIVES OF THE APPEASED SOUTH WEST NEIGHBORHOOD ASSOCIATION AREA.

WE BELIEVE THAT THE EXISTANCE OF:

- MAGIC FINGERS MASSAGE PARLOR
- ALLADINS MASSAGE PARLOR
- R & R MASSAGE PARLOR
- THEATER A

ARE DETRIMENTAL TO THE MORALS OF OUR CHILDREN. THEY ALSO REPRESENT A LIABILITY TO BUSINESS CUSTOMERS AND PROPERTY VALUE AND ARE INCOMPATIBLE WITH THE MORAL AND RELIGIOUS STATUS OF THE NEIGHBORHOOD.

IN VIEW OF THE ABOVE MENTIONED CIRCUMSTANCES, WE REQUEST THE REMOVAL OF THESE NUISANCES.

NAME

ADDRESS

Charles Elmer	2904 Thompson
Edna Elmer	2904 Thompson
Donna Elmer	2838 Thompson
Virginia Rutkowski	2838 Thompson
Edith Whitart	2828 Thompson
Clara E. Wilson	2818 Thompson Ave
Jane & Wm	2815 Thompson ave
Paula Ann Smith	2701 Thompson
Paula Ann Smith	2701 Thompson
Alvin C. Henderson	2715 Thompson
Eileen Haskett	2415 Thompson
Ann Barker	1321 Home ave
Theresa Barker	1321 Home ave
Ann Barker	2206 Broadview
Alberta Greenbush	1204 Huestis ave
Shirley Greenbush	1204 Huestis ave
James Jordan	1204 Huestis ave
Oliver J. Orr	1228 Huestis
Vern Orr	1228 Huestis
Russell Scott	1225 Huestis
Russell Scott	1225 Huestis
Helen L Brown	1232 Huestis ave
Michael Needleman	1222 Huestis ave
Stella Needleman	1222 Huestis ave
Robert Needleman	1222 Huestis ave
Marge Nimmer	1228 Huestis Ave.
Del Raymakers	1228 Huestis Ave.

HUSBAND



# P E T I T I O N

FORT WAYNE, INDIANA

June 22, 1976

THE UNDERSIGNED ARE, RESIDENTS, PROPERTY OWNERS, BUSINESS AND CHURCH REPRESENTATIVES OF THE APPLESEED SOUTH WEST NEIGHBORHOOD ASSOCIATION AREA.

WE BELIEVE THAT THE EXISTANCE OF:

- MAGIC FINGERS MASSAGE PARLOR
- ALLADINS MASSAGE PARLOR
- R & R MASSAGE PARLOR
- THEATER A

ARE DETRIMENTAL TO THE MORALS OF OUR CHILDREN. THEY ALSO REPRESENT A LIABILITY TO BUSINESS CUSTOMERS AND PROPERTY VALUE AND ARE INCOMPATIBLE WITH THE MORAL AND RELIGIOUS STATUS OF THE NEIGHBORHOOD.

IN VIEW OF THE ABOVE MENTIONED CIRCUMSTANCES, WE REQUEST THE REMOVAL OF THESE NUISANCES:

NAME	ADDRESS
Frank Elkhorn Jr.	1315 Home ave.
Lochleen V. Kahn	1315 Home Ave.
Virginia Brown	3111 Thompson
Ed Winkellbligh	3125 Thompson
Martha Salek	3118 Thompson
Richard Salek	3118 Thompson
Joanna Lordt	3112 Thompson
Joan Lordt	3112 Thompson
Ethel Seibold	2914 Thompson
Martha Kreegh	2914 " "
Mrs. J M Maloy	2832 Thompson
John Maloy	2832 Thompson
Patricia Chapman	2824 Thompson Ave.
Benedict Lockwood	2804 Thompson Ave.
Wesley R Lockwood	2804 Thompson Ave.
Mrs. Gen Stouder	2719 Thompson Ave.
Mrs. Candy Taylor	1345 Park Ave.
Robert & Neil	3145 Thompson
Blanche Hayburn	3232 Dinnen Ave.
May H. Hayburn	3232 Dinnen Ave.
George J. Jiler	3290 Dinnen Ave.
Katharine	3216 Dinnen Ave.
George F. Frote	3208 Dinnen Ave.
Margie F. Frote	3208 Dinnen Ave.
Marcel Davis	3208 Thompson Ave.
Tommy Johnson	3207 Dinnen Ave.
Lawrence A. Scheimann	3209 Dinnen Ave.
Mrs Lawrence Scheimann	3209 Dinnen Ave.

# PETITION

FORT WAYNE, INDIANA

June 22, 1970

THE UNDERSIGNED ARE, RESIDENTS, PROPERTY OWNERS, BUSINESS AND CHURCH REPRESENTATIVES OF THE APPEASED SOUTH WEST NEIGHBORHOOD ASSOCIATION AREA.

WE BELIEVE THAT THE EXISTANCE OF:

- MAGIC FINGERS MASSAGE PARLOR
- ALLADINS MASSAGE PARLOR
- R & R MASSAGE PARLOR
- THEATER A

ARE DETRIMENTAL TO THE MORALS OF OUR CHILDREN. THEY ALSO REPRESENT A LIABILITY TO BUSINESS CUSTOMERS AND PROPERTY VALUE AND ARE INCOMPATIBLE WITH THE MORAL AND RELIGIOUS STATUS OF THE NEIGHBORHOOD.

IN VIEW OF THE ABOVE MENTIONED CIRCUMSTANCES, WE REQUEST THE REMOVAL OF THESE NUISANCES.

NAME	ADDRESS
Delitha L. Christie	1323 W. Wildwood
Donald Christie	
Mary L. Peters	1327 W. Wildwood ave.
James D. Drake	1326 W. Wildwood ave.
Harry Drake	1324 Wildwood ave.
Nancy R. R. R.	3708 W. Wildwood Dr.
Carol E. Dehning	3708 W. Wildwood Dr.
Mar. Clara & K. Kipper	1315 W. Wildwood Ave
W. C. R. R.	1315 W. Wildwood Ave
J. Woodling	1307 W. Wildwood
Alan Woodling	1307 W. Wildwood
Bernice R. R.	1302 W. Wildwood Ave
C. R. R.	1302 W. Wildwood ave

# P E T I T I O N

FORT WAYNE, INDIANA

*June 22, 1946*

THE UNDERSIGNED ARE, RESIDENTS, PROPERTY OWNERS, BUSINESS AND CHURCH REPRESENTATIVES OF THE APPLESEED SOUTH WEST NEIGHBORHOOD ASSOCIATION AREA.

WE BELIEVE THAT THE EXISTANCE OF:

- MAGIC FINGERS MASSAGE PARLOR
- ALLADINS MASSAGE PARLOR
- R & R MASSAGE PARLOR
- THEATER A

ARE DETRIMENTAL TO THE MORALS OF OUR CHILDREN. THEY ALSO REPRESENT A LIABILITY TO BUSINESS CUSTOMERS AND PROPERTY VALUE AND ARE INCOMPATIBLE WITH THE MORAL AND RELIGIOUS STATUS OF THE NEIGHBORHOOD.

IN VIEW OF THE ABOVE MENTIONED CIRCUMSTANCES, WE REQUEST THE REMOVAL OF THESE NUISANCES.

NAME	ADDRESS
<i>Karen A. Duda</i>	<i>2920 Broadway</i>
<i>John A. Kossick</i>	<i>2920 Broadway</i>
<i>Arthur Schaefer</i>	<i>2940 Broadway</i>
<i>Marie Schaefer</i>	<i>2940 Broadway</i>
<i>Ray Peters</i>	<i>3108 Broadway</i>
<i>Thomas Howard</i>	<i>3130 1/2 Broadway</i>
<i>Alta Huff</i>	<i>3124 Broadway</i>
<i>John Thompson</i>	<i>3134 Broadway</i>
<i>Charles K. K. K.</i>	<i>3202-04 Broadway</i>
<i>Kathryn E. Cantrell</i>	<i>3129 Thompson Ave</i>
<i>John W. W.</i>	<i>1117 1/2 Hunter Ave</i>
<i>Radio S. S.</i>	<i>1233 Hunter Ave</i>
<i>Wanda G. G.</i>	<i>1239 Hunter Ave</i>
<i>Charles K. K.</i>	<i>1239 Hunter Ave</i>
<i>Myrtle J. J.</i>	<i>1307 Hunter</i>
<i>Gene Z. Z.</i>	<i>1331 Hunter</i>
<i>Albert F. F.</i>	<i>1345 Hunter Ave</i>
<i>Betty Perryman</i>	<i>1345 Hunter Ave</i>
<i>Mr. Chas. Watson</i>	<i>1363 Hunter</i>

# P E T I T I O N

FORT WAYNE, INDIANA 5/28/76

THE UNDERSIGNED ARE, RESIDENTS, PROPERTY OWNERS, BUSINESS AND CHURCH REPRESENTATIVES OF THE APPEESED SOUTH WEST NEIGHBORHOOD ASSOCIATION AREA.

WE BELIEVE THAT THE EXISTANCE OF:

- MAGIC FINGERS MASSAGE PARLOR
- ALLADINS MASSAGE PARLOR
- R & R MASSAGE PARLOR
- THEATER A

ARE DETRIMENTAL TO THE MORALS OF OUR CHILDREN. THEY ALSO REPRESENT A LIABILITY TO BUSINESS CUSTOMERS AND PROPERTY VALUE AND ARE INCOMPATIBLE WITH THE MORAL AND RELIGIOUS STATUS OF THE NEIGHBORHOOD.

IN VIEW OF THE ABOVE MENTIONED CIRCUMSTANCES, WE REQUEST THE REMOVAL OF THESE NUISANCES.

NAME	ADDRESS
Mrs E C. Lewerenz	1110 Maple Ave. Apt C-3
Mrs. Marie K. Kistner	1110 Maple Ave. Apt C-1
Mrs. Herbert W. Schmae	1110 Maple Ave. - apt C-2
Miss Fran. Clark	1110 Maple Ave. apt 71
Grace L. Hawk	1110 Maple Ave. #10-2
Pauline Kroy Miller	1110 Maple Ave #E1
Maureen Rhodes	1110 Maple Ave
Leta Budd	1110 Maple Ave
Jana Larson	1110 Maple Ave. Apt D
Lois Kresener	1313 Park Ave.
Marie Long	1324 Maple Ave.
Russell Heffer	1351 Maple Ave.
Berta Zander	1333 Maple Ave.
Glenn D. Dyer	1333 Maple Ave.
William D. Dyer	1321 Maple Ave.
Carolyn Dyer	1321 Maple Ave.
Patricia Lindsey	1332 Maple Ave.
Mary Jackson	1332 Maple Ave.
Kenneth R. White	1326 Maple Ave.
Mae T. Nelson	1316 Maple Ave.



P E T I T I O N

FORT WAYNE, INDIANA 5/21/76

THE UNDERSIGNED ARE, RESIDENTS, PROPERTY OWNERS, BUSINESS AND CHURCH REPRESENTATIVES OF THE APPLESEED SOUTH WEST NEIGHBORHOOD ASSOCIATION AREA.

WE BELIEVE THAT THE EXISTANCE OF:

- MAGIC FINGERS MASSAGE PARLOR
- ALLADINS MASSAGE PARLOR
- R & R MASSAGE PARLOR
- THEATER A

ARE DETRIMENTAL TO THE MORALS OF OUR CHILDREN. THEY ALSO REPRESENT A LIABILITY TO BUSINESS CUSTOMERS AND PROPERTY VALUE AND ARE INCOMPATIBLE WITH THE MORAL AND RELIGIOUS STATUS OF THE NEIGHBORHOOD.

IN VIEW OF THE ABOVE MENTIONED CIRCUMSTANCES, WE REQUEST THE REMOVAL OF THESE NUISANCES.

NAME	ADDRESS
Glover M. Butts	1309 Maple Ave.
Harriet L. Butts	1309 Maple Ave.
Harrell Adams	1303 Maple Ave.
Karel Adams	1303 Maple Ave.
Louis A. Warren	1225 Maple Ave.
Robert Sprague	1213 Maple Ave.
Bob Sprague	1213 Maple Ave.
Maple Sprague	1209 Maple Ave.
Letus Snyder	1209 Maple Ave.
Herbert J. Tedrus	1205 Maple Ave.
Elizabeth V. Tedrus	1205 Maple Ave.
Albert H. Welling	1129 Maple Ave.
John J. Welling	1129 Maple Ave.
Michael R. Welling	1129 Maple Ave.
Deane Welling	1105 Maple Ave.
David H. Welling	1204 Maple Ave.
Linda M. Welling	1204 Maple Ave.
Kath Welling	2551 Maple Place
John Welling	2551 Maple Place
Wacey Welling	2533 Maple Place
David L. Welling	2533 Maple Place
Joan Welling	2527 Maple Pl.
Rick Welling	2527 Maple Pl.
James Wallace	2525 Maple Place
Samuel A. Wallace	2525 Maple Place
Mrs. W. Kent Bohre	2521 Maple Place
Kent Bohre	2521 Maple Place
G. Gene Walker	2520 Maple Place
Under Walker	2520 Maple Place
Stella Walker	2570 Maple Place
Rosemarie Hodge	2530 Maple Place
Serald H. Hodge	2530 Maple Place
Mr. Bell Strickton	2534 Maple Place
Berry Shult	2536 Maple Pl.
Bonnie Shult	2536 Maple place
R. L. Shult	2544 Maple Place
Harlene Shult	2544 Maple Place

# P E T I T I O N

THE UNDERSIGNED ARE MEMBERS, FRIENDS, TEACHERS, OFFICERS, AND PASTORS OF  
EMMAUS LUTHERAN CHURCH, 2320 BROADWAY, FORT WAYNE, INDIANA.

WE BELIEVE THAT THE EXISTENCE OF:  
MAGIC FINGERS MASSAGE PARLOR  
ALADDINS MASSAGE PARLOR  
R & R MASSAGE PARLOR  
THEATER A

ARE DETRIMENTAL TO THE MORALS OF OUR CHILDREN AND YOUNG PEOPLE, AS WELL AS  
ADULTS. THEY REPRESENT A LIABILITY TO THE MORAL AND RELIGIOUS STATUS OF THE  
NEIGHBORHOOD.

IN VIEW OF THE ABOVE MENTIONED CIRCUMSTANCES, WE REQUEST THE REMOVAL OF THESE  
NUISANCES.

NAME

ADDRESS

<i>Carl B. Schlotz</i>	<i>2320 Broadway 46807</i>
<i>Shirley Stork</i>	<i>2322 Broadway 46807</i>
<i>Shirley Kamping</i>	<i>6712 Fernwood 46809</i>
<i>Joseph Freyberg</i>	<i>2112 Wawonaissa 46807</i>
<i>Rozey Pflughaupt</i>	<i>1206 Woodman Dr. 46804</i>
<i>Henry Kapp</i>	<i>1124 W. Winlawood 46807</i>
<i>Lowell Beck</i>	<i>8636 Winchester Rd. 46819</i>
<i>Harold Mest</i>	<i>929 W. Packard 46807</i>
<i>Dorothy Doring</i>	<i>3122 Willow Oaks 46809</i>
<i>Margaret Schumann</i>	<i>5339 Winchester Rd. 46809</i>
<i>John E. Schmidt</i>	<i>2717 Broadway</i>
<i>Mrs. Helen Zwickler</i>	<i>3118 Locust 46806</i>
<i>Paul E. Peterson</i>	<i>1001 Eldley Dr. 46807</i>
<i>Douglas Smith</i>	<i>4822 Arlington 46807</i>
<i>Harold Smith</i>	<i>4822 Arlington 46807</i>
<i>Mrs. Paul E. Peterson</i>	<i>1001 Eldley Dr. 46807</i>
<i>Dennis Peterson</i>	<i>1001 Eldley Dr. 46807</i>
<i>Allen Mundy</i>	<i>3930 Arlington 46807</i>
<i>Charles L. Kaming</i>	<i>6712 Fernwood 46809</i>
<i>Mark Kaming</i>	<i>9227 Standard Ct. 46804</i>
<i>Pat Schupp</i>	<i>6411 Gardenview Dr.</i>
<i>Evelyn Ziers</i>	<i>3129 Beacon</i>
<i>Betty Schumann</i>	<i>9519 Pincheter Rd.</i>
<i>Keith B. Clark</i>	<i>2524 Carlton Ct. 46804</i>
<i>Janara Schumann</i>	<i>9833 Schlatter Rd. 46741</i>
<i>Carl Schlutz</i>	<i>1233 W. Lexington</i>
<i>Vern Beck</i>	<i>8636 Winchester Rd.</i>
<i>Gary Beck</i>	<i>915 Pasadena</i>
<i>Clair Schlutz</i>	<i>1233 W. Lexington Ave</i>
<i>Gary Schlutz</i>	<i>710 Packard</i>

# P E T I T I O N

THE UNDERSIGNED ARE MEMBERS, FRIENDS, TEACHERS, OFFICERS, AND PASTORS OF  
EMMAUS LUTHERAN CHURCH, 2320 BROADWAY, FORT WAYNE, INDIANA.

WE BELIEVE THAT THE EXISTENCE OF:  
MAGIC FINGERS MASSAGE PARLOR  
ALADDINS MASSAGE PARLOR  
R & R MASSAGE PARLOR  
THEATER A

ARE DETRIMENTAL TO THE MORALS OF OUR CHILDREN AND YOUNG PEOPLE, AS WELL AS  
ADULTS. THEY REPRESENT A LIABILITY TO THE MORAL AND RELIGIOUS STATUS OF THE  
NEIGHBORHOOD.

IN VIEW OF THE ABOVE MENTIONED CIRCUMSTANCES, WE REQUEST THE REMOVAL OF THESE  
NUISANCES.

NAME

ADDRESS

<u>Harold O. Andrews</u>	<u>1212 Hurst Ave Fort Wayne</u>
<u>Ernest H. Hark</u>	<u>3601 Kaskas St. Ft. Wayne Ind.</u>
<u>Orlando Evans</u>	<u>4609 W. Hamilton Rd. Ft. Wayne Ind.</u>
<u>Thos. M. A. Schmitt</u>	<u>2629 Oakwood Dr. " "</u>
<u>William L. Schumann</u>	<u>9833 Schlacht Rd. Maple Ind</u>
<u>Carl H. Grandt</u>	<u>5638 Redcliff Ft Wayne</u>
<u>Carl M. Hamber</u>	<u>535 Home Ave. Ft Wayne</u>
<u>Robert B. Hecker</u>	<u>411 Dodge Ave Fort Wayne</u>
<u>Ellen Schumann</u>	<u>5322 Winchester Rd</u>
<u>Norman Hoffmann</u>	<u>R.R. 1, Box 263, Albite Rd, Laake</u>
<u>Daniel J. Hoffman</u>	<u>RR1, Box 263, Albite Rd. Laake</u>
<u>William Blomster</u>	<u>2425 Broadway</u>
<u>Barbara Wayne Cook</u>	<u>3147 Broadway</u>
<u>Tom Cook Sr.</u>	<u>2147 Broadway</u>
<u>Mary H. Cook</u>	<u>3147 Broadway</u>
<u>Mrs. Ralph Douglas</u>	<u>3144 Broadway</u>
<u>Shelly A. Rogers</u>	<u>2512 Schell Ave.</u>
<u>Tom Cook JR.</u>	<u>3147 Broadway</u>
<u>Archie M. Schmitt</u>	<u>1233 N. Lexington Ave Fort Wayne</u>
<u>Elma M. Bradt</u>	<u>1233 N. Lexington Ave, Ft. Wayne.</u>
<u>John Frank</u>	<u>2322 1/2 Broadway</u>

# P E T I T I O N

THE UNDERSIGNED ARE MEMBERS, FRIENDS, TEACHERS, OFFICERS, AND FANSORS OF  
EMMAUS LUTHERAN CHURCH, 2320 BROADWAY, FORT WAYNE, INDIANA.

WE BELIEVE THAT THE EXISTENCE OF:  
MAGIC FINGERS MASSAGE PARLOR  
ALADDINS MASSAGE PARLOR  
N & R MASSAGE PARLOR  
THEATER A

ARE DETRIMENTAL TO THE MORALS OF OUR CHILDREN AND YOUNG PEOPLE, AS WELL AS  
ADULTS. THEY REPRESENT A LIABILITY TO THE MORAL AND RELIGIOUS STATUS OF THE  
NEIGHBORHOOD.

IN VIEW OF THE ABOVE MENTIONED CIRCUMSTANCES, WE REQUEST THE REMOVAL OF THESE  
NUISANCES.

NAME

ADDRESS

Silga Waz	1915 Colony Drive	
Lora McDougal	1121 Wiert St.	
Barbara A. Kanning	9327 Starland Ct.	46804
Dora Jean Melvin	2618 Helenview Ave	46809
Yvonne A. Edenborn	1802 Dale Ave.	46804
Shirley Littenbacher	2427 Box	46807
Paul H. Dwyer	3122 Willow Csh	46809
Aileen Zsanzdt	5630 Radcliffe Ct	46806
Ruth E. Dwyer	1124 W. Highland	46807
Harold Schenck	6399 Winchester Rd	
Dany Dwyer	2417 Greenbriar Dr	46804
Mary Dwyer	2817 Greenbriar	46804
Eleanor Reberweg	417 W. Wilburand Ave	46807
Paul Meyer	4613 Kerkings	46809
Gaudine Lamboddy	4508 McMillan Pl Dr	46806
Laura Dwyer	4613 Kerkings	46809

### NOTICE OF PUBLIC HEARING

Notice is hereby given that the Common Council of the City of Fort Wayne, at the Council Chambers, Room 126, in the City-County Building, Fort Wayne, Indiana, on Wednesday, the 2nd day of June, 1976, at 7:30 o'clock P.M., Eastern Standard Time, will hold a public hearing on Bill No. G-76-04-56 being a proposed General Ordinance licensing and regulating massage parlors and related enterprises.

Copies of said Bill No. G-76-04-56 are posted in the following public places in Fort Wayne, Allen County, Indiana.

- (a) The main floor lobby of the City-County Building
- (b) The bulletin board in the lobby at the east door of the Allen County Court House
- (c) The bulletin board in the lobby of the Downtown Fort Wayne Public Library

Copies of said proposed ordinance are also available for reading in the following public places in Fort Wayne, Indiana.

- (a) The Reference Room in the north end of the main floor in said Downtown Fort Wayne Public Library
- (b) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana, Room 122, City-County Building, Fort Wayne, Indiana

---

Charles W. Westerman  
City Clerk of Fort Wayne, Indiana

## NOTICE OF PUBLIC HEARING

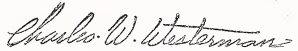
Notice is hereby given that the Common Council of the City of Fort Wayne, at the Council Chambers, Room 126, in the City-County Building, Fort Wayne, Indiana, on Wednesday, the 2nd day of June, 1976, at 7:30 o'clock P.M., Eastern Standard Time, will hold a public hearing on Bill No. G-76-04-56 being a proposed General Ordinance licensing and regulating massage parlors and related enterprises.

Copies of said Bill No. G-76-04-56 are posted in the following public places in Fort Wayne, Allen County, Indiana.

- (a) The main floor lobby of the City-County Building
- (b) The bulletin board in the lobby at the east door of the Allen County Court House
- (c) The bulletin board in the lobby of the Downtown Fort Wayne Public Library

Copies of said proposed ordinance are also available for reading in the following public places in Fort Wayne, Indiana.

- (a) The Reference Room in the north end of the main floor in said Downtown Fort Wayne Public Library
- (b) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana, Room 122, City-County Building, Fort Wayne, Indiana



Charles W. Westerman  
City Clerk of Fort Wayne, Indiana

### NOTICE OF PUBLIC HEARING

Notice is hereby given that the Common Council of the City of Fort Wayne, at the Council Chambers, Room 126, in the City-County Building, Fort Wayne, Indiana, on Wednesday, the 2nd day of June, 1976, at 7:30 o'clock P.M., Eastern Standard Time, will hold a public hearing on Bill No. G-76-04-56 being a proposed General Ordinance licensing and regulating massage parlors and related enterprises.

Copies of said Bill No. G-76-04-56 are posted in the following public places in Fort Wayne, Allen County, Indiana.

(a) The main floor lobby of the City-County Building.

(b) The bulletin board in the lobby at the east door of the Allen County Court House.

(c) The bulletin board in the lobby of the Downtown Fort Wayne Public Library.

Copies of said proposed ordinance are also available for reading in the following public places in Fort Wayne, Indiana.

(a) The Reference Room in the north end of the main floor in said Downtown Fort Wayne Public Library.

(b) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana, Room 122, City-County Building, Fort Wayne, Indiana.

CHARLES W. WESTERMAN, City Clerk of Fort Wayne, Indiana



PUBLIC HEARING  
WEDNESDAY, JUNE 2, 1976  
COUNCIL CHAMBERS - 126  
7:30 P.M.  
BILL NO. G-76-04-56  
MESSAGE PARLOR ORDINANCE

BURNS\_\_\_\_\_, HINGA\_\_\_\_\_, HUNTER\_\_\_\_\_, MOSES\_\_\_\_\_, NUCKOLS\_\_\_\_\_,  
DONALD SCHMIDT\_\_\_\_\_, VIVIAN SCHMIDT\_\_\_\_\_, STIER\_\_\_\_\_, TALARICO\_\_\_\_\_,

---

CHAIRMAN OF THE REGULATIONS COMMITTEE

----- JOHN NUCKOLS

COMMITTEE MEMBERS

----- BURNS, V. SCHMIDT, MOSES, D. SCHMIDT

*fine and seating not good enough*

*Mr. Nuckols*

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE \_\_\_\_\_ ADDING  
SECTIONS \_\_\_\_\_ TO THE \_\_\_\_\_  
CODE, REGULATING PRACTICE OF MASSAGE.

THE \_\_\_\_\_ COUNCIL OF \_\_\_\_\_ DOES ORDAIN  
AS FOLLOWS:

Section \_\_\_\_\_ Definitions:

1. Massage is the practice of a profession, scientifically applied to the patient by the operator's hands.

2. **"Massage Therapist"** shall mean any person who practices or administers as to all or any of the following named subjects, and who has made a study of the underlying principles of anatomy and physiology as generally included in a regular course of study by a recognized and approved school of massage, to-wit: The art of body massage either by hands, or with a mechanical or vibratory apparatus for the purpose of body massaging, reducing or contouring; the use of oil rubs, heat lamps, salt glows, hot and cold packs, tub, shower or cabinet baths. Variations of the following procedures are employed: Touch, stroking, friction, kneading, vibration, percussion and medical gymnastics. **Massage Therapists** shall not **DIAGNOSE** or treat classified diseases, nor practice spinal or other joint manipulations, nor prescribe medicines or drugs.

3. The term "massage establishments" as used in this Act shall be construed and deemed to mean any massage establishment, or place of business wherein massage as to all, or any one or more, of the above named subjects and methods of treatments, as defined in this section, is administered or used.

Section \_\_\_\_\_ **Massage Therapists** to be Licensed

1. It shall be unlawful for any person or persons to engage in the practice, or attempt to practice, massage, whether for a fee or gratuitously, to conduct massage, without a license issued pursuant to the provisions of this ordinance.

2. It shall be unlawful for any person or persons to operate or conduct any massage establishment which does not conform to the sanitary provisions herein contained, or to employ any person as a massage operator who does not hold a license.



Section \_\_\_\_\_ Exceptions

The requirements of this ordinance shall have no application and no effect upon and shall not be construed as applying to physicians, surgeons, chiropractors, osteopaths, or any nurse working under the supervision of a physician, surgeon, chiropractor, or osteopath duly licensed to practice said respective professions in this State. Practical nurses or other persons without qualifications as massage therapists, whether employed by physicians, surgeons, chiropractors, or osteopaths or not, may not render massage or massage procedures.

Section \_\_\_\_\_ Application: Fee.

(a) Any person desiring to obtain a license to operate a massage establishment or to perform massage services shall make application to the Treasurer, who shall refer all such applications to the Chief of Police for an appropriate investigation.

(b) Each application shall be accompanied by a license fee of \_\_\_\_\_ Dollars (\$\_\_\_\_\_).

Section \_\_\_\_\_ Application: Contents.

An applicant for a license shall submit the following information:

1. Full name and current address;
2. The two (2) previous addresses of the applicant immediately prior to the current address;
3. Written statements of at least three (3) bona fide residents of \_\_\_\_\_ that the applicant is considered of good moral character;
4. Written proof that the applicant is over the age of eighteen (18) years;
5. Applicant's height, weight, and color of eyes and hair;
6. Two current photographs at least 2" x 2" in size;
7. The business, occupation, or employment of the applicant for the three (3) years immediately preceding the date of the application;

8. The massage or similar business license history of the applicant, including whether such person, in previous operation, in this or another area, has had his or her license revoked or suspended, the reason therefor, and any business activity or occupation subsequent to the action of suspension or revocation..

9. All convictions and the grounds therefor;

10. A certificate from a medical doctor designating that the applicant has, within thirty days immediately prior thereto, been examined and found to be free of any contagious or communicable disease;

11. Applicant must furnish a diploma or certificate of graduation from a recognized school or other institution of learning wherein the method, profession and work of massage therapists is taught. The term "recognized school" shall mean and include any school or institution of learning which has for its purpose the teaching of the theory, method, profession, or work of massage therapists, which school requires a resident course of study of not less than 1,000 hours to be given in not less than six (6) calendar months before the student shall be furnished with a diploma or certificate of graduation from such school or institution of learning showing the successful completion of such course of study or learning. The license registrar shall maintain a public list of all massage schools approved for license applicants, first verifying in each instance the fact that the curriculum of such school meets the minimum standards hereunder. Schools offering correspondence courses and not requiring actual class attendance shall not be deemed "recognized schools". The registrar shall have the right to confirm the fact that an applicant has actually attended classes and matriculated in a recognized school.

#### Section \_\_\_\_\_ Facilities Necessary

No license to conduct a massage establishment shall be issued unless an inspection discloses that the establishment complies with each of the following minimum requirements.

1. A readable sign shall be posted at the main entrance identifying the establishment as a massage establishment, provided, also that all such signs shall otherwise comply with the general sign requirements of \_\_\_\_\_.

2. Minimum lighting shall be provided in accordance with the Uniform Building Code, and, additionally, at least one artificial light of not less than 40 watts shall be provided in each enclosed room or booth where massage services are being rendered.

3. Minimum ventilation shall be provided in accordance with the Uniform Building Code.

4. Adequate equipment for disinfecting and sterilizing any instruments used for massage shall be provided.

5. Hot and cold running water shall be provided.

6. Closed cabinets shall be utilized for the storage of clean linen.

7. Adequate dressing and toilet facilities shall be provided for patrons.

8. All walls, ceilings, floors, steam rooms, and all other physical facilities for the establishment shall be kept in good repair, maintained in a clean and sanitary condition.

9. Clean and sanitary towels and linens shall be provided for patrons receiving massage services. No common use of towels or linens shall be permitted.

#### Section \_\_\_\_\_ License Procedures

Upon payment of the application fee, submitting of all information required by application, and upon proper inspection, a license shall be granted immediately, if all requirements described herein are met, and unless it appears that any such applicant has deliberately falsified the application, or the record of such applicant reveals a conviction of a felony or a crime of moral turpitude.

Any person denied a license pursuant to these provisions may appeal to the Council in writing stating reasons why the license should be granted. The Council may grant or deny the license. The Council may also review any determination of the \_\_\_\_\_ granting or denying a license on its own motion.

All licenses issued hereunder are nontransferable; provided, however, that a change of location of a massage establishment may be permitted pursuant to the provisions hereof.

#### Section \_\_\_\_\_ Display of License

Every person to whom a license shall have been granted shall display said license in a conspicuous place.

Section \_\_\_\_\_ Change of Location

A change of location of the massage premises shall be approved by the Chief of Police, provided all general ordinances are complied with and the change of location fee of \_\_\_\_\_ Dollars (\$ \_\_\_\_\_) is first paid.

Section \_\_\_\_\_ Employees.

It shall be the responsibility of the holder of the license for a massage establishment to insure that each person employed as a Massage Therapist shall first have obtained a valid license pursuant to this ordinance.

Section \_\_\_\_\_ Inspection.

At least twice each year, an inspection of each massage establishment may be made for the purpose of determining that the provisions of this ordinance are met.

Section \_\_\_\_\_ Revocation of License

No license shall be revoked until after due notice and a hearing shall have been held before the Council to determine just cause for such revocation. Notice of such hearing shall be given in writing and served at least ten (10) days prior to the date of the hearing thereon. The notice shall state the grounds of the complaint against the holder of such license, and shall designate the time and place where such hearing will be had.

Said notice shall be served upon the license holder by delivering the same personally or by leaving such notice at the place of business or residence of the license holder in the custody of a person of suitable age and discretion. In the event the license holder cannot be found, and the service of such notice cannot be otherwise made in the manner herein provided, a copy of such notice shall be mailed, registered postage fully prepaid, addressed to the license holder at his place of business or residence at least ten (10) days prior to the date of such hearing.

Section \_\_\_\_\_ Grounds for Revocation

The license of a Massage Therapist may be revoked upon one or more of the following grounds:

1. That the holder is guilty of fraud in the practice of massage, or fraud or deceit in his being licensed to the practice of massage.

2. That the holder has been convicted in a court of competent jurisdiction of a felony. The conviction of a felony shall be the conviction of any offense which, if committed within this State, would constitute a felony under the laws thereof.

3. That the holder is engaged in the practice of massage under a false or assumed name, or is impersonating another practitioner of a like or different name.

4. That the holder is addicted to the habitual use of intoxicating liquors, narcotics or stimulants to such an extent as to incapacitate such person for the performance of his or her professional duties.

5. That the holder is guilty of fraudulent, false, misleading or deceptive advertising, or that he or she prescribes medicines, drugs, or practices any other licensed profession without legal authority therefor..

6. That the holder is guilty of willful negligence in the practice of massage, or has been guilty of employing, allowing or permitting any unregistered person to perform massage in his or her establishment.

Section \_\_\_\_\_ Those Practicing as Ordinance  
Becomes Effective

Any person, resident of \_\_\_\_\_, who is actually engaged in the practice of massage, and who has therein practiced the profession three (3) years or more, or served as an apprentice three (3) years at any place within the State, or who has a diploma from an approved school of massage, as herein defined, at the time of final passage of this Act, or who is eligible for membership in the American Massage and Therapy Association (also called "A.M.T.A.") shall be granted a license as a state registered Massage Therapist - without first having met the other requirements of this ordinance, except as to physical conditions and adequacy of facilities, upon payment of the prescribed fee. Such person shall have one (1) year from the effective date of this ordinance to so qualify.

Section \_\_\_\_\_ Penalty for Violation

Any person who shall violate any of the provisions of this ordinance shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment for not more than six (6) months, or by a fine not exceeding Five Hundred Dollars (\$500.00), or by

both fine and imprisonment.

Section. \_\_\_\_\_ Reciprocity

Any person who has been duly licensed in another State to practice massage, which State has and maintains a standard of practice substantially the same as that maintained under this ordinance, and who has been lawfully and continuously engaged in such practice for two (2) or more years immediately before filing his or her application to practice hereunder, and who shall submit a duly attested certificate from the examining Board of the State in which he or she is registered, certifying to the fact of his or her registration, and of being a person of good moral character, may, upon paying the license fee, be granted a license to practice in \_\_\_\_\_ without being required to otherwise qualify.

NOTE:

The foregoing was prepared by our General Legal Counsel, Kirkpatrick W. Dilling, Chicago, Ill. and presented to the delegates in Convention there August 5-9, 1970

Kindly direct your questions - unless the matter is one of extreme urgency - to our 3rd Vice-President, who is the National Chairman of Law & Legislation Committee. He will, if necessary, refer such queries to Mr. Dilling.

Anne S. Bergholz  
Nat'l. Sec'y-Treas.

955, evidence showing the defendant's propensity to commit a crime will keep the entrapment issue from the jury. However, evidence negating propensity requires submission of the issue to the jury, however unreasonable the judge would consider a verdict in favor of the defendant to be. The types of evidence the government may use to show propensity are listed in *U.S. v. Viviano*, 437 F.2d 295: (1) A similar course of conduct, (2) an already formed design on the defendant's part, or (3) a willingness to commit the crime.

[Text] Turning from these statements of the law to the record before us, there was no evidence of prior drug selling by Anglada or of a previously formed intent to commit the crime. \*\*\* Instead the Government relies on the third type of evidence of propensity referred to in *Viviano*, "willingness," evidenced by the accused's ready response to the inducement. But on this question, Anglada denied any profit on the deal, and testified that his girl friend's brother, the informer, took 45 minutes to an hour "trying to convince [Anglada] to do him a favor of getting some drugs for him, and he talked and kept on saying the same thing."

We do not know whether a jury would believe any part of Anglada's testimony or, even if it did, whether it would find propensity anyway. But a jury issue was created. Assuming Anglada's story to be true, as we must for this purpose, the informant had a close connection to the defendant and was known by the defendant to be an addict, and the defendant was not a seller and made no profit on the deal. [End Text]

The defendant also complains of his inability to obtain testimony from Santana, whom he called as a witness. We deal with this point because it may again be raised in a new trial.

[Text] At a hearing outside the presence of the jury, Santana admitted that he had refused to be interviewed by defense counsel, but had spoken freely to the prosecutor and the police about the events of the case. Nevertheless, on the advice of assigned counsel, Santana asserted his fifth amendment privilege, based upon a pending New York State drug charge against him. Over defendant's objection, the judge sustained the privilege and excused Santana from testifying. Appellant claims that this ruling was erroneous considering the unique nature of Santana's testimony in establishing the entrapment defense (he was the only other participant in the crucial conversation), the protection afforded Santana against a criminal charge in the Anglada transaction because Santana was acting at the Government's request, the lack of connection between the Anglada sale and the state charge, the possible waiver of his fifth amendment rights by his conversations with the prosecutor, and the possibility that his reluctance to testify was based upon fear of Anglada's retaliation rather than on the fifth amendment.

The question thus posed is not a simple one. Such cases as *U.S. v. Dornoch*, 476 F.2d 1229, 1231 (2d Cir.), cert. denied, 414 U.S. 840 (1973); *U.S. v. Llanes*, 398 F.2d 880, 884-85 (2d Cir. 1968), cert. denied, 393 U.S. 1032 (1969); and *U.S. v. Chender*, 380 F.2d 993, 997 (2d Cir. 1967), are not necessarily controlling. Only in *Llanes* was the reluctant witness asked to shed light on an entrapment issue, and, unlike this case, there was nothing to indicate that the witness had been a police informer who had allegedly "set up" the defendant. As against the lesser showing there of the defendant's need for the evidence, the reluctant witness "as himself under indictment for a narcotics violation which allegedly occurred at the same time and place as appellant's alleged violation," which was "a classical situation for the full exercise of the privilege." 398 F.2d at 884. In this case, there was no apparent connection between the state drug charge used to justify the privilege and the incident on which testimony was sought. It may be that on retrial the issue will be simpler since the state charge may already be disposed of. In any event, we suggest that if the situation arises again, the trial judge take a harder look at any blanket assertion of privilege and also at the possibility of allowing some carefully phrased, limited questions by Anglada's counsel. [End Text] — Feinberg, J.

(U.S. v. Anglada; CA 2, 10/16/75)

## PHILADELPHIA ORDINANCE BARRING INTERSEX MESSAGES IS CONSTITUTIONAL

CA 3 relies on U.S. Supreme Court's dismissal of appeals in three other massage parlor cases.

Noting that *Hicks v. Miranda*, 422 U.S. 332, 17 CrL 3113, established the precedential value of cases in which the U.S. Supreme Court has dismissed an appeal for want of a substantial federal question, the U.S. Court of Appeals for the Third Circuit concludes that a Philadelphia ordinance prohibiting massage parlor employees from working on members of the opposite sex is constitutional. Over the past three years the Supreme Court has dismissed appeals in three other massage parlor cases involving ordinances virtually identical to that enacted in Philadelphia. The dismissals in those cases dispose of nearly all of the objections raised by the massage parlor operators here.

The only issues not so disposed of are the defendants' novel claim that the ordinance is unconstitutional under the Civil Rights Act of 1964 and their assertion that the ordinance attempts to legislate in a field preempted by the state legislature. In the absence of any allegation or proof that the parlor operators are employers within the meaning of the Civil Rights Act, it does not apply to them. Finally, under Pennsylvania law, a city is not prohibited from legislating in any particular field of law unless the state has explicitly claimed the authority for itself. That is not the case here. (*Colorado Springs Amusement, Ltd. v. Rizzo*, 10/16/75)

*Digest of Opinion:* At issue in this appeal is the validity of an ordinance enacted by the Philadelphia city council prohibiting employees of massage parlors licensed by the city from massaging anyone of the opposite sex. The district court found itself in agreement with the plaintiffs and held that the ordinance violated both equal protection and due process. 16 CrL 2279.

On appeal, the city officials argue that the ordinance does not violate equal protection because it applies equally to both male and female massagists. They then maintain that because the ordinance treats males and females identically by prohibiting both from massaging anyone of the opposite sex, the Supreme Court decisions such as *Frontiero v. Richardson*, 411 U.S. 67, and *Reed v. Reed*, 404 U.S. 71, do not apply. The city also argues that the Supreme Court has tacitly upheld the constitutionality of ordinances whose provisions are the same as the one it has enacted.

The massage parlor owners and employees argue that despite the fact that the ordinance on its face treats persons of both sexes equally, it is nonetheless unconstitutional because it treats them in an equally reprehensible manner. They also suggest that enforcement of the ordinance requires them to violate Section 703 (a) of the 1964 Civil Rights Act, 42 USC 2000e-2(a). This claim is based on the assumption that the owners would be forced either to employ people of only one gender in order to comply with the ordinance or to deprive individuals of employment opportunities because of their sex.

[Text] The Supreme Court's decision last term in *Hicks v. Miranda* \*\* is dispositive of most of the plaintiffs' contentions in this case.

There is no longer any doubt that a dismissal of an appeal by the Supreme Court for want of a substantial federal question is an adjudication on the merits. *Hicks*, which decided this issue, arrived in the Supreme Court in a rather complicated procedural posture. After entry of state court judgments that the film "Deep Throat" is obscene under the California obscenity statute, *Miranda* and others filed an action in the federal district court seeking declaratory relief and an injunction.

Disc. Station



... against the state's enforcement. A three-judge district court declared the California statute unconstitutional and granted relief. The defendant state officials subsequently moved for rehearing, for amendment of the judgment, and for relief from the judgment. In support they cited the order of the Supreme Court in *Miller v. California*, 418 U.S. 915, 15 CrL 4103 (1974). The Miller case was decided subsequent to entry of the three-judge court's judgment in *Hicks*. In *Miller*, the Supreme Court dismissed for want of a substantial federal question an appeal from a California state decision upholding the constitutionality of the obscenity statute that the three-judge court had just declared unconstitutional. Upon denial of their motions by the district court, the state officials appealed to the Supreme Court.

On appeal, the state officials argued that the Miller dismissal was binding on the three-judge court and should have led it to declare the California statute constitutional. The Supreme Court agreed with them. Justice White, writing for the Court, held that Miller was properly within the Supreme Court's appellate jurisdiction under §1257 (2), leaving no discretion for the Court to refuse to decide the case on the merits. The Supreme Court had ruled that Miller's constitutional challenge to the California statute was not a substantial one, and "the three-judge court was not free to disregard [that] pronouncement."

By parity of reasoning, we are not free to disregard three dismissals by the Supreme Court, for want of a substantial federal question, of challenges to ordinances identical in all material respects to the one in question here. A reading of the appeal papers shows that the orders dismissing the appeals in *Smith v. Keator*, 419 U.S. 1043, *Rubenstein v. Cherry Hill*, 417 U.S. 963, and *Kisley v. City of Falls Church*, 409 U.S. 907, are precedent for rejecting all but two of the contentions raised in opposition to section 9-610 (4) of the Philadelphia Code. The dismissals by the Supreme Court in these three cases dispose of the plaintiffs' claims based upon equal, but reprehensible, treatment of both sexes; an individually discriminatory sex-based classification; an irrational exception in the ordinance for massage treatments given under the direction of a medical practitioner; unreasonable abridgment of the right to pursue a legitimate livelihood; and the irrebuttable presumption doctrine. Our reasoning in reaching this conclusion is supported by the similar approach taken by the Fourth Circuit in its recent decision in *Hogge v. Johnson*, 17 CrL 2414.

Two contentions by the plaintiffs remain. The first is the claim based on the Civil Rights Act of 1964. The owners' argument is that compliance with section 9-610 (4) of the ordinance would force them to breach section 702 (a)(1) and section 703 (a)(2) of the Act, which respectively prohibit refusal to hire and deprivation of employment opportunities on the basis of sex. That claim must fail, however, at least in this case. This is so because section 703 (a) of the Civil Rights Act applies only to employment practices by an "employer," and section 701 (b) defines an employer as "a person . . . who has fifteen or more employees . . ." It is . . . either alleged nor in any way suggested that any of the owners employ this number of persons. There is thus no violation of the Civil Rights Act.

The plaintiffs also assert that the City's power to legislate in the area of sex offenses is preempted by state legislation. See, e.g., 18 Pa.Stat. Ann. §§3121-27, 5901-04 (1973). They urge us to follow the ruling to that effect delivered in an analogous situation by the California Supreme Court in *Lancaster v. Municipal Court*, 494 P.2d 681 and further claim that the city's enactment and enforcement of an ordinance in this preempted area violates due process.

Under Pennsylvania law, a municipality is not prohibited from legislating in a particular field of the law "unless the Commonwealth has explicitly claimed the authority itself, or unless there is such actual, material conflict between the state and local powers that only by striking down the local power can the power of the wider constituency be protected." Although the city ordinance supplements state legislation regarding sex offenses, we cannot say that the ordinance must be struck down under this standard. Since the local legislation is valid, its en-

forcement does not violate due process either. The judgment of the district court will be reversed. [End Text]—Adams, J. (Colorado Springs Assessment, Ltd. v. Rizzo; CA 3, 10/16/75)

## DISORDERLY HOUSE" ORDINANCE APPLIED TO MASSAGE PARLOR IS CONSTITUTIONAL

*Ordinance is constitutionally vague neither facially nor as applied.*

A massage parlor operator fails to persuade the Virginia Supreme Court that a local ordinance which prohibits the keeping of a "disorderly house" is either unconstitutional or unconstitutionally vague on its face or as applied to his operation. The keeping of a disorderly house was a common law crime which has been defined as "the maintaining of premises upon which activity occurred that either created a public disturbance or, although concealed from the public, constituted a nuisance per se," the court points out.

The ordinance adequately warns an individual of conduct that is prohibited, and it was properly applied to the defendant's massage parlor. According to testimony, the masseuses offered services for which a massage is mere warmup; they solicited customers for prostitution and sodomy. (*Flannery v. City of Norfolk*, 10/10/75)

*Digest of Opinion: [Text]* The central issue on appeal is whether §31-18 of the Norfolk City Code is unconstitutional on its face. Specifically the question is whether the ordinance is void for vagueness. It provides [in part] that: "It shall be unlawful for any person in the city to keep, maintain or operate, for himself or as an officer or agent for any corporation, association, club, lodge or other organization, or under the guise of any corporation, association, club, lodge or other organization, any disorderly house, or place where disorderly persons meet or may meet for the purpose of illegally dispensing or indulging in intoxicating liquors, gaming or boisterous or other disorderly conduct. Each day's keeping of any such place shall constitute a separate offense, and in any prosecution for this offense, the general reputation of such place may be proved." \*

The defendant attacks the constitutionality of the ordinance, claiming that "it is vague and ambiguous and is violative of the due process requirement of definiteness in criminal statutes." He argues there was no evidence that intoxicating liquors were dispensed or used on the premises, nor was there any evidence of gaming or boisterous conduct thereon. He reasons, therefore, that "[e]ffectively, . . . what is left is a conviction for keeping and maintaining a house where disorderly persons meet for the purposes of indulging in disorderly conduct," which he contends does not withstand a constitutional challenge. \*

Manifestly, an analysis of the ordinance shows that its first sentence is logically divided into distinct and different parts by the disjunctive "or," which follows the phrase "disorderly house." The first part of this sentence proscribes, on the one hand, keeping, maintaining or operating "any disorderly house," while the second part, on the other hand, prohibits keeping, maintaining or operating any "place where disorderly persons meet or may meet for the purpose of illegally dispensing or indulging in intoxicating liquors, gaming or boisterous or other disorderly conduct." The first part is not contingent upon the second nor does the latter qualify the former. A "house" may be "disorderly" without being a "place" where illicit trafficking in alcohol, gambling or noisy activity takes place, as, for example, a house of prostitution or a place open to the public where persons congregate to engage in homosexual conduct.

Accordingly, we conclude that the first part of the ordinance, which prohibits keeping, maintaining or operating a disorderly





FORT WAYNE, INDIANA 46802

office of the mayor

G-76-0 4-56  
G-23-76

July 30, 1976

TO THE MEMBERS OF THE COMMON COUNCIL:

Attached is Ordinance #G-23-76, regulating the operation of Massage Establishments in the City of Fort Wayne. I have placed my signature on this Ordinance, enacting it into law -- and we will do everything within our means to rid the City of illegal activities operating under the guise of massage -- even though I feel that the Amendment made to it by the Council, deleting Section 3.4, as follows: "It shall be unlawful for any person to perform a massage on the person of the opposite sex.", has greatly reduced its effectiveness.

I had drafted an Ordinance as strong as possible to help control the prostitution operating under the name of massage parlors, and regret that the most important part of the law was taken out by Council, without regard for the safety and welfare of the citizens of Fort Wayne.

  
Robert E. Armstrong  
Mayor

REA:ip



DIGEST SHEET

G-76-0456

TITLE OF ORDINANCE GENERAL ORDINANCEDEPARTMENT REQUESTING ORDINANCE LAW DEPARTMENTSYNOPSIS OF ORDINANCE Amendments to G-76-04- (Massage Parlor Ordinance):

1. Wherever massage "parlor" was used in ordinance, change to  
massage "establishment".
2. Section 3.1 No massage establishment shall be operated or  
conducted in any district not permitted by the Fort Wayne  
Zoning Ordinance, Chapter 33 of the Code of the City of  
Fort Wayne, Indiana, 1974.
3. 6.1 (h) The name of school or schools wherein the method,  
profession and work of massage therapist was taught to  
applicant and a copy of the diploma or certificate received  
by applicant.
4. SECTION 7. HEALTH CERTIFICATE. Along with the application  
for a license required by this ordinance, there shall be  
submitted a certificate from the City County Board of Health  
on a form prescribed by the City Controller certifying that  
the applicant is free from communicable diseases and that an  
examination has been made within thirty (30) days prior to  
the application for the license sought.

EFFECT OF PASSAGE

In Section 3.4  
Section 3.4 was deleted and Section 3.5 was numbered 3.4  
Section 1.5 word "parlor" was changed to "establishment"Section 14.1 - Effect "upon its" and not "thirty (30) days after its  
passage."

EFFECT OF NON-PASSAGE \_\_\_\_\_

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) NONE

ASSIGNED TO COMMITTEE (PRESIDENT) \_\_\_\_\_

DIGEST SHEET

TITLE OF ORDINANCE GENERAL ORDINANCE

*G-76-04-56*

DEPARTMENT REQUESTING ORDINANCE LAW

SYNOPSIS OF ORDINANCE \_\_\_\_\_

AN ORDINANCE LICENSING AND REGULATING MASSAGE PARLORS

AND RELATED ENTERPRISES.

EFFECT OF PASSAGE \_\_\_\_\_

EFFECT OF NON-PASSAGE \_\_\_\_\_

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) \_\_\_\_\_

ASSIGNED TO COMMITTEE (PRESIDENT) \_\_\_\_\_

*Regulation*

DIGEST SHEETTITLE OF ORDINANCE GENERAL ORDINANCEDEPARTMENT REQUESTING ORDINANCE LAW DEPARTMENTSYNOPSIS OF ORDINANCE Amendments to G-76-04- (Massage Parlor Ordinance):

1. Wherever massage "parlor" was used in ordinance, change to  
massage "establishment".
2. Section 3.1 No massage establishment shall be operated or  
conducted in any district not permitted by the Fort Wayne  
Zoning Ordinance, Chapter 33 of the Code of the City of  
Fort Wayne, Indiana, 1974.
3. 6.1 (h) The name of school or schools wherein the method,  
profession and work of massage therapist was taught to  
applicant and a copy of the diploma or certificate received  
by applicant.
4. SECTION 7. HEALTH CERTIFICATE. Along with the application  
for a license required by this ordinance, there shall be  
submitted a certificate from the City County Board of Health  
on a form prescribed by the City Controller certifying that  
the applicant is free from communicable diseases and that an  
examination has been made within thirty (30) days prior to  
the application for the license sought.

EFFECT OF PASSAGE \_\_\_\_\_

EFFECT OF NON-PASSAGE \_\_\_\_\_

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) NONE

ASSIGNED TO COMMITTEE (PRESIDENT) \_\_\_\_\_



CITY OF FORT WAYNE

FORT WAYNE, INDIANA

CHARLES W. WESTERMAN  
CITY CLERK

August 3, 1976

Miss Helen Libbing  
Fort Wayne Newspapers, Inc.  
600 West Main Street  
Fort Wayne, Indiana 46802

Dear Miss Libbing:

Please give the attached full coverage on the dates of August 5 and August 12, 1976, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council  
of Fort Wayne, Indiana

Bill No. G-76-04-56 (AS AMENDED)  
General Ordinance No. G-23-76  
Massage establishment Ordinance

Please send us five (5) copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely,

Charles W. Westerman  
City Clerk

CWW/ne  
ENCL: 1



CITY OF FORT WAYNE

FORT WAYNE, INDIANA

CHARLES W. WESTERMAN  
CITY CLERK

May 19, 1976

Miss Helen Libbing  
Fort Wayne Newspapers, Inc.  
600 West Main Street  
Fort Wayne, Indiana 46802

Dear Miss Libbing:

Please give the attached full coverage on the dates of May 21 and May 28, 1976, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council  
of Fort Wayne, Indiana -

Bill No. G-76-04-56  
Licensing and regulating massage  
parlors and related enterprises.

Please send us six (6) copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely,

Charles W. Westerman  
City Clerk

CWW/ne  
ENCL: 1

Common Council of Fort Wayne  
(Governmental Unit)

To THE NEWS-SENTINEL Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

## PUBLISHER'S CLAIM

## LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set)  
— number of equivalent lines

Head number of lines

1

Body number of lines

34

Tail number of lines

2

Total number of lines in notice

37

## COMPUTATION OF CHARGES

37 lines, 1 columns wide equals 37 equivalent lines at .288¢ cents per line

\$ 10.66

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two)

2.00

TOTAL AMOUNT OF CLAIM

\$ 12.66

## DATA FOR COMPUTING COST

Width of single column 11 ems

Size of type 5½ point

Number of insertions 2

Size of quad upon which type is cast 5½

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date May 28, 1976

Title CLERK

NOTICE OF PUBLIC HEARING  
Notice is hereby given that the Common Council of the City of Fort Wayne, at the Council Chambers, Room 126, in the City-County Building, Fort Wayne, Indiana, on Wednesday, the 2nd day of June, 1976, at 7:30 o'clock P.M., Eastern Standard Time, will hold a public hearing on Bill No. 5-76-04-56 being a proposed General Ordinance licensing and regulating massage parlors and related enterprises.  
Copies of said Bill No. 5-76-04-56 are posted in the following public places in Fort Wayne, Allen County, Indiana:  
(a) The main floor lobby of the City-County Building.  
(b) The bulletin board in the lobby at the east door of the Allen County Court House.  
(c) The bulletin board in the lobby of the Downtown Fort Wayne Public Library.  
Copies of said proposed ordinance are also available for reading in the following public places in Fort Wayne, Indiana:  
(a) The Reference Room in the north end of the main floor in said Downtown Fort Wayne Public Library.  
(b) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana, Room 122, City-County Building, Fort Wayne, Indiana.  
CHARLES W. WESTERMAN, City Clerk of Fort Wayne, Indiana

COPY OF  
MENT HERE

## PUBLISHER'S AFFIDAVIT

State of Indiana }  
Allen County } ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned V.E. GERKEN who, being duly sworn, says that she is CLERK

NEWS-SENTINEL

A DAILY newspaper of general circulation printed and published

in the English language in the city of FORT WAYNE, INDIANA

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time 8, the dates of publication being as follows:

5/27-28/76

Subscribed and sworn to before me this 28th day of May 1976

Notary Public

My commission expires September 28, 1979

Common Council of Fort Wayne  
(Governmental Unit)

To JOURNAL-GAZETTE Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

## PUBLISHER'S CLAIM

## LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines

Head number of lines

1

Body number of lines

34

Tail number of lines

2

Total number of lines in notice

37

## COMPUTATION OF CHARGES

37 lines, 1 columns wide equals 37 equivalent lines at \$2884 cents per line

\$ 10.66

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two)

2.00

TOTAL AMOUNT OF CLAIM

\$ 12.66

## DATA FOR COMPUTING COST

Width of single column 11 ems

Size of type 5 1/2 point

Number of insertions 2

Size of quad upon which type is cast 5 1/2

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date May 28, 1976

Title CLERK

## PUBLISHER'S AFFIDAVIT

State of Indiana } as:  
Allen County

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK of the

JOURNAL-GAZETTE  
a DAILY newspaper of general circulation printed and publishedin the English language in the city of FORT WAYNE, INDIANA  
in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time, the dates of publication being as follows:

5/21-28/76

Subscribed and sworn to before me this 28th day of May 1976

Notary Public

My commission expires September 28, 1979

NOTICE OF PUBLIC HEARING  
Notice is hereby given that the Common Council of the City of Fort Wayne, at the Council Chambers, Room 126, in the City-County Building, Fort Wayne, Indiana, on Wednesday, the 2nd day of June, 1976, at 2:30 o'clock P.M., Eastern Standard Time, will hold a public hearing on Bill No. 5-76-04-56 being a proposed General Ordinance licensing and regulating massage parlors and related enterprises.

Copies of said Bill No. G-76-04-56 are posted in the following public places in Fort Wayne, Allen County, Indiana:

(a) The main floor lobby of the City-County Building.

(b) The bulletin board in the lobby at the east door of the Allen County Court House.

(c) The bulletin board in the lobby of the Downtown Fort Wayne Public Library.

Copies of said proposed ordinance are also available for reading in the following public places in Fort Wayne, Indiana:

(a) The Reference Room in the north end of the main floor in said Downtown Fort Wayne Public Library.

(b) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana, Room 122, City-County Building, Fort Wayne, Indiana.

CHARLES W. WESTERMAN, City Clerk of Fort Wayne, Indiana

5-21-28



# Legal Notices

## LEGAL NOTICE

Notice is hereby given that on the 27th day of July 1976, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following bill, NO. G-23-76 (AS AMENDED) G-23-76 General Ordinance, to-wit:

BILL NO. G-23-76 (AS AMENDED)  
GENERAL ORDINANCE NO. G-23-76

AN ORDINANCE licensing and regulating massage establishments and related enterprises.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. DEFINITIONS. For the purposes of this section the following words and phrases shall have the meanings respectively ascribed to them:

1.1 "Massage" shall mean any treatment of the external parts of the body by applying any pressure on, friction against or stroking, kneading, rubbing, tapping with the hands or instruments.

1.2 "Massage Establishment" shall mean any building, room, place or establishment, other than a regularly licensed hospital or dispensary, where nonmedical and non-surgical manipulative exercises are practiced upon the human body with or without the use of mechanical or bath devices, by any person not a physician, dentist, chiropractor or physical therapist duly registered with and licensed by the state.

1.3 "Massage Therapist" shall mean a person who practices, administers all or any of the methods or treatment of massage.

1.4 "Employee" shall mean a person other than a massage therapist who renders any service for the operator and who receives compensation directly or indirectly from the licensee, but has no physical contact with customers or clients.

1.5 "Operator" shall mean any person who owns or operates a massage establishment.

SECTION 2. LICENSES.  
2.1 No person shall give or administer a massage without first obtaining a license therefor from the City Controller as provided in this ordinance.

2.2 Each person who operates, conducts, owns or maintains a massage establishment shall first obtain an operator's license therefor.

SECTION 3. OPERATING REGULATIONS.

3.1 No massage establishment shall be operated or conducted in any district not permitted by the Fort Wayne Zoning Ordinance, Chapter 33 of the Code of the City of Fort Wayne, Indiana, 1974.

3.2 All licenses under this ordinance shall be subject to all provisions of this ordinance and any other city ordinances, county ordinances and state statutes and to the regulation of the various administrative bodies of the city, county and state, the violation of which regulations, ordinances or statutes shall be cause for revocation of their licenses.

3.3 It shall be unlawful for any person to be employed by any operator under this ordinance, or to be within view of any of the services rendered by a massage establishment, who has not reached the age of twenty-one (21) years.

3.4 No massage establishment holding a license under this ordinance shall depict, place, publish, distribute or cause to be depicted, placed, published, distributed any advertising matter that depicts any portion of the human body that would reasonably suggest to prospective patrons that any services are available other than those services permitted by this ordinance, and all advertisements shall contain the number of the city license held by the massage establishment.

SECTION 4. INSPECTIONS. Every massage establishment shall be open for inspection at all times by police officers and duly authorized representatives of the City Controller, including representatives of the City County Building Department and the Board of Public Health, upon the presentation of proper credentials by such persons. It shall be unlawful to deny such persons entry to such establishments.

SECTION 5. APPLICATION FOR OPERATOR'S LICENSE.

Application for an operator's license required by this division shall be made to the City Controller on application forms prescribed by him. The application for a license shall contain the following information which shall be individually signed by the applicant:

(a) The name of the applicant;

(b) The residence address and social security number of the applicant;

(c) The business address of the applicant;

(d) The number of massage tables, shower stalls, bath stalls or other individual units;

(e) The age and citizenship of the applicant, in the case of individuals;

(f) The names, addresses, ages, citizenship and designations of each person connected with the applicant's establishment;

(g) Whether the applicant or the manager or officers have ever been previously engaged in operating a massage establishment;

(h) Whether any applicant, or, in the case of a corporation, its manager, officers, directors or stockholders, has ever been convicted of any act of violence, moral turpitude, sex offense or prior violation of this ordinance;

(i) An agreement by the operator permitting inspection; and

(j) The type of license being applied for.

SECTION 6. APPLICATION FOR MASSAGE THERAPIST AND/OR EMPLOYEE LICENSE.

6.1 Along with the application for an operator's license filed pursuant to Section 5, there shall be filed a separate application for a massage therapist's license by each individual who is to be employed in the establishment. Such application shall contain the following information:

(a) The name of the applicant and social security number of applicant;

(b) The age of the applicant;

(c) The sex of the applicant;

(d) The address of the applicant;

(e) The citizenship of the applicant;

(f) Whether the applicant has ever been convicted of any public offense consisting of an act of violence, moral turpitude, sex offense or prior violation of this ordinance;

(g) The nature of the work performed; and

(h) The name of school or schools wherein the method, profession and work of massage therapist was taught to applicant and a copy of the diploma or certificate received by applicant.

6.2 Any applicant for a license to engage in the practice of massage therapy must submit a certificate of affidavit of his respective qualifications of the applicant as to schooling, training and experience, and where and how obtained.

SECTION 7. HEALTH CERTIFICATE. Along with the application for a license required by this ordinance, there shall be submitted a certificate from the City County Board of Health on a form prescribed by the City Controller certifying that the applicant is free from communicable diseases and that an examination has been made within thirty (30) days prior to the application of the license sought.

SECTION 8. LICENSE FEES.

8.1 Each person who desires a massage establishment operator's license shall pay an annual fee of One Hundred Dollars (\$100.00).

8.2 The applicant for a massage therapist's license shall pay an annual fee of Fifty Dollars (\$50.00).

8.3 The applicant for an employee's license in a massage establishment shall pay an annual fee of Ten Dollars (\$10.00).

SECTION 9. COMPLAINTS. All complaints of alleged violations of the provisions of this ordinance shall be made in writing to the City Controller.

SECTION 10. INVESTIGATION OF APPLICANT; GROUNDS FOR DENIAL; REVOCATION OR SUSPENSION OF A LICENSE.

10.1 The City Controller, before issuing any license pursuant to this ordinance, shall investigate the character of the applicant and its officers, directors and manager. If it is a corporation, no license shall be issued if the City Controller shall find:

(a) That any person named in the application has previously had a license with any massage establishment where the license therefor has been revoked or where any of the provisions of the law applicable to massage establishments have been violated;

(b) That the premises sought to be licensed failed to comply in any manner with this ordinance or with other ordinances and laws applicable thereto;

(c) That any person named in the application has ever been convicted of any act of violence, moral turpitude, sex offense or prior violation of this ordinance;

(d) That any person named in the application cannot provide a certificate from a licensed medical practitioner certifying that the applicant is free from communicable diseases and that an examination has been made within thirty (30) days prior to the date of the application; and

(e) That any person named in the application has made a false statement on the application.

10.2 Any license issued for a massage establishment or a massage therapist or employee may be revoked or suspended by the City Controller after a hearing for good cause. Cause for revocation or suspension shall include the violation of any of the provisions of this ordinance or of any criminal statute of the State of Indiana by the applicant or an employee of the operator or by any massage therapist employed by the operator.

10.3 After a hearing on a written complaint filed pursuant to this ordinance against a licensee, if the City Controller determines that the license shall be revoked, no refund of the license fee shall be made.

SECTION 11. LICENSE LOCATION AND TERM.

11.1 All operators or massage therapists licensed under this ordinance shall keep their licenses in a visible location in their establishments.

11.2 Licenses shall be granted for an initial term ending April 30, next following the issuance of the license, unless sooner suspended or revoked. Such license must be renewed annually, and any renewal shall be for a term of one (1) year from May 1 to April 30.

SECTION 12. VIOLATION AND PENALTY.

12.1 Any person violating any provision of this ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined the amount not to exceed one thousand dollars (\$1,000.00) or be imprisoned in jail for a period not exceeding six (6) months or to be both so fined and imprisoned. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

12.1 If any section, subsection, paragraph or part of this ordinance is for any reason held to be unconstitutional or invalid by any final court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance.

SECTION 14. EFFECTIVE DATE.

14.1 This ordinance shall be in full force and effect upon its approval by the Mayor and legal publication thereof.

John Nuckols, Councilman

Read the third time in full and on motion by Nuckols, seconded by V. Schmidt, and duly adopted, placed on its passage, PASSED by the following vote:

Ayes: Eight  
Burns, Hinga, Hunter, Moses, Nuckols, V. Schmidt, Siler, Talarico

Nays: None

Abstentions: One

Date: 7/30/76

Charles W. Westerman, City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-23-76 on the 27th day of July, 1976.

ATTEST: Charles W. Westerman, James S. Siler, City Clerk, Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of July, 1976, at the hour of 11:30 A.M., E.S.T.

Charles W. Westerman, City Clerk

Approved and signed by me this 30th day of July, 1976, at the hour of 11:00 o'clock A.M., E.S.T.

Robert E. Armstrong, Mayor

I, Charles W. Westerman, City Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance No. G-23-76 passed by the Common Council on the 27th day of July, 1976, and that said Ordinance was duly signed and approved by the Mayor on the 30th day of July, 1976 and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 30th day of July, 1976.

Charles W. Westerman, City Clerk

To THE NEWS-SENTINEL

Dr.

FORT WAYNE, INDIANA

## PUBLISHER'S CLAIM

two actual lines, neither of which shall total more than the type in which the body of the advertisement is set)

notice

wide equals equivalent lines at

maintaining rule or tabular work (50 per cent of above

ation (50 cents for each proof in excess of two)

AIM

Size of type 5 1/2 point

Size of quad upon which type is cast 5 1/2

h. 89, Acts 1967,

just and correct, that the amount claimed is legally due, after allowing all just paid.

V. E. GERKEN

Title CLERK

## PUBLISHER'S AFFIDAVIT

State of Indiana )  
Allen County ) ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned

V. E. GERKEN

who, being duly sworn, says

that she is

NEWS-SENTINEL

of the

DAILY

newspaper of general circulation printed and published

in the English language in the city of FORT WAYNE, INDIANA

in said state and county aforesaid, and that the printed matter attached hereto is a true copy,

which was duly published in said paper for 2 times, the dates of publication being as follows:

8/3-12/76

Subscribed and sworn to before me this 12th day of August 1976

Notary Public

My commission expires September 26, 1979

Allen County, Ind.

FORT WAYNE, INDIANA

### PUBLISHER'S CLAIM

**LINE COUNT**

**Display Matter** (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set)  
— number of equivalent lines

Head	number of lines
1	1
2	2
3	3
4	4
5	5
6	6
7	7
8	8
9	9
10	10
11	11
12	12
13	13
14	14
15	15
16	16
17	17
18	18
19	19
20	20
21	21
22	22
23	23
24	24
25	25
26	26
27	27
28	28
29	29
30	30
31	31
32	32
33	33
34	34
35	35
36	36
37	37
38	38
39	39
40	40
41	41
42	42
43	43
44	44
45	45
46	46
47	47
48	48
49	49
50	50
51	51
52	52
53	53
54	54
55	55
56	56
57	57
58	58
59	59
60	60
61	61
62	62
63	63
64	64
65	65
66	66
67	67
68	68
69	69
70	70
71	71
72	72
73	73
74	74
75	75
76	76
77	77
78	78
79	79
80	80
81	81
82	82
83	83
84	84
85	85
86	86
87	87
88	88
89	89
90	90
91	91
92	92
93	93
94	94
95	95
96	96
97	97
98	98
99	99
100	100

Body	number of lines
1	1
2	2
3	3
4	4
5	5
6	6
7	7
8	8
9	9
10	10
11	11
12	12
13	13
14	14
15	15
16	16
17	17
18	18
19	19
20	20
21	21
22	22
23	23
24	24
25	25
26	26
27	27
28	28
29	29
30	30
31	31
32	32
33	33
34	34
35	35
36	36
37	37
38	38
39	39
40	40
41	41
42	42
43	43
44	44
45	45
46	46
47	47
48	48
49	49
50	50
51	51
52	52
53	53
54	54
55	55
56	56
57	57
58	58
59	59
60	60
61	61
62	62
63	63
64	64
65	65
66	66
67	67
68	68
69	69
70	70
71	71
72	72
73	73
74	74
75	75
76	76
77	77
78	78
79	79
80	80
81	81
82	82
83	83
84	84
85	85
86	86
87	87
88	88
89	89
90	90
91	91
92	92
93	93
94	94
95	95
96	96
97	97
98	98
99	99
100	100

**Tail**      number of lines

Total number of lines in notice

### COMPUTATION OF CHARGES

361 lines, 1 columns wide equals 361 equivalent lines at 2594 cents per line

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

**Charge for extra proofs of publication (50 cents for each proof in excess of two)**

TOTAL AMOUNT OF CLAIM

### DATA FOR COMPUTING COST

9.9  
Width of single column ~~20~~ ems

Size of type 5½ point

Number of insertions **2**Size of quad upon which type is cast 5 1/2.....

Pursuant to the provision and penalties of Ch. 89, Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

V. E. Lecken

Date August 12 19 76

**Title**..... **CLERK**

### PUBLISHER'S AFFIDAVIT

State of Indiana } ss:  
ALLEN County }

Personally appeared before me, a notary public in and for said county and state, the undersigned V.E. GERKEN who, being duly sworn, says that she is CLERK of the

a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time<sup>s</sup>, the dates of publication being as follows: 8/3-12/76

Subscribed and sworn to before me this 12th day of August 1976

My commission expires September 28, 1979

[illegible]

LEGAL NOTICE  
Notice is hereby given that on the 27th day of July, 1976, the Common Council of the City of Fort Wayne, Indiana, in its Regular Session did pass the following BILL NO. G-74-04 56 (AS AMENDED) G-23-76 General Ordinance, to wit:  
WY-1, NO. G-74-04 56 (AS AMENDED)  
GENERAL ORDINANCE NO. G-23-76  
AN ORDINANCE licensing and regulating massage establishments and related enterprises.  
NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:  
SECTION 1. DEFINITIONS. For the purposes of this section the following words and phrases shall have the meanings respectively ascribed to them:  
1.1 "Massage" shall mean any means of treating the external parts of the body by applying any pressure on, friction against or stroking, kneading, rubbing, tapping with the hands or instruments.  
1.2 "Massage Establishment" shall mean any building, room, place or establishment, other than a regularly licensed hospital or dispensary, where medical and nonmedical manipulative exercises are practiced upon the human body with or without the use of mechanical or bath devices, by any person not a physician, osteopath, chiropractor or physical therapist duly registered with and licensed by the state.  
1.3 "Massage Therapist" shall mean a person who practices, administers or any of the methods or treatment of massage.  
1.4 "Employee" shall mean a person other than a massage therapist who renders any service for the operation of a massage establishment, compensation directly or indirectly from the licensee, but has no physical contact with customers or clients.  
1.5 "Operator" shall mean any person who owns or operates a massage establishment.  
SECTION 2. LICENSES.  
2.1 No person shall give or administer a massage without first obtaining a license therefor from the City Controller or the provider of this ordinance.  
2.2 Each person who operates, conducts, owns or maintains a massage establishment shall first obtain an operator's license therefor.  
SECTION 3. OPERATING REGULATIONS.  
3.1 No massage establishment shall be operated or conducted in any district not permitted by the Fort Wayne Zoning Ordinance, Chapter 23 of the Code of the City of Fort Wayne, Indiana, 1974.  
3.2 All licensees under this ordinance shall be subject to all provisions of this ordinance and any other city ordinance, county ordinances and state statutes and to the regulation of the various administrative bodies of city, county and state, the violation of which regulations, ordinances or statutes shall be grounds for revocation of their licenses.  
3.3 It shall be unlawful for any person to be employed by any person under this ordinance, or to be within the premises of any of the services rendered by a massage establishment who has not reached the age of twenty-one (21) years.  
3.4 No massage establishment holding a license under this ordinance shall depict, place, publish, post or cause to be depicted, placed, published, distributed any advertising matter that depicts any person in a manner that would reasonably suggest to prospective customers that any services are available other than those services permitted by this ordinance, and all advertisements shall contain the number of the city license held by the licensee.  
SECTION 4. INSPECTIONS. Every massage establishment shall be open for inspection at all times by police officers and duly authorized representatives of the City Controller, in violation of the provisions of the City County Building Department and the Board of Public Health, upon the showing of proper credentials by such persons. It shall be unlawful to refuse such persons entry to such establishments.  
SECTION 5. APPLICATION FOR OPERATOR'S LICENSE  
Application for an operator's license required by this ordinance shall be made to the City Controller on an application form to be prepared by him. The application for a license shall contain the following information and shall be individually signed by the applicant:  
(a) The name of the applicant;  
(b) residence address and social security number of the applicant;  
(c) The business address of the applicant;  
(d) The number of massage tables, shower stalls, bath stalls or other individual units;  
(e) The age and citizenship of the applicant, in the case of individuals;  
(f) The name and address of the manager and of the manager and of the manager and officers in the case of a corporation;  
(g) The names, addresses, ages, citizenship and designations of all persons connected with the applicant's establishment;  
(h) Whether the applicant or the manager or officers have ever been previously engaged in operating a massage establishment;  
(i) Whether any operator, or in the case of a corporation, its managers, officers, directors or stockholders, has ever been convicted of an act of violence, moral turpitude, sex offense or prior violation of this ordinance;  
(j) An agreement by the operator permitting inspection; and  
(k) The type of license being applied for by the applicant.  
SECTION 6. APPLICATION FOR MASSAGE THERAPIST AND/OR EMPLOYEE LICENSE  
6.1 Along with the application for an operator's license filed pursuant to Section 5, there shall be filed a verified application for a massage therapist's license by each individual who is to be employed in the establishment. Such application shall contain the following information:  
(a) The name of the applicant and the name of the applicant;  
(b) The age of the applicant;  
(c) The sex of the applicant;  
(d) The address of the applicant;  
(e) The citizenship of the applicant;  
(f) Whether the applicant has been convicted of any public offense concerning an act of violence, moral turpitude, sex offense or prior violation of this ordinance;  
(g) The nature of the work performed; and  
(h) The name of the school or schools wherein the method, profession and work of massage therapist was taught to applicant and a copy of the diploma or certificate received by applicant.  
6.2 Any applicant for a license to engage in the practice of massage therapy must submit a certificate of affidavit of his respective qualifications of the applicant as to schooling, training and experience, and where and how obtained.  
SECTION 7. HEALTH CERTIFICATE. Along with the application for a license required by this ordinance, there shall be submitted a certificate from the City County Board of Health in a form prescribed by the City Controller certifying that the applicant is free from communicable diseases and that an examination has been made within thirty (30) days prior to the application for the license.  
SECTION 8. LICENSE FEES.  
8.1 The person who desires a massage establishment operator's license shall pay an annual fee of One Hundred Dollars (\$100.00).  
8.2 The applicant for a massage therapist's license shall pay an annual fee of Fifty Dollars (\$50.00).  
8.3 The applicant for an employee's license in a massage establishment shall pay an annual fee of Fifty Dollars (\$50.00).  
SECTION 9. COMPLAINTS. All complaints of alleged violations of the provisions of this ordinance shall be made in writing to the City Controller.  
SECTION 10. INVESTIGATION OF APPLICANT: GROUNDS FOR DENIAL, REVOCATION OR SUSPENSION OF A LICENSE.  
10.1 The City Controller, before issuing any license pursuant to this ordinance, shall investigate the character of the applicant and its officers, directors and manager if it is a corporation. No license shall be issued if the City Controller shall find:  
(a) That any person named in the application has previously had a license with any massage establishment where the license has been revoked, or where any of the provisions of the law applicable to massage establishments have been violated;  
(b) That the premises sought to be licensed failed to comply in any manner with this ordinance or with other ordinances and laws applicable thereto;  
(c) That any person named in the application has ever been convicted of any act of violence, moral turpitude, sex offense or prior violation of this ordinance;  
(d) That any person named in the application cannot provide a certificate from a licensed medical practitioner certifying that the applicant is free from communicable diseases and that an examination has been made within thirty (30) days prior to the date of the application; and  
(e) That any person named in the application has made a false statement on the application.  
10.2 Any license issued for a massage establishment or a massage therapist or employee may be revoked or suspended by the City Controller after a hearing for good cause. Cause for revocation or suspension shall include the violation of any of the provisions of this ordinance or of any criminal statute of the State of Indiana by the applicant or by any employee of the operator or by any massage therapist employed by the operator.  
10.3 After a hearing on a written complaint filed pursuant to this ordinance against a licensee, if the City Controller, determining that the license should be revoked, no refund of the license fee shall be made.  
SECTION 11. LICENSE LOCATION AND TERM.  
11.1 All operators or massage therapists shall show their license in a visible location in their establishments.  
11.2 Licenses shall be granted for an initial term ending April 1st, next following the issuance of the license.  
11.3 Licenses shall be renewed annually. Such license must be renewed annually, and any renewal shall be for a term of one (1) year from May 1st to April 30th.  
SECTION 12. VIOLATION AND PENALTY.  
12.1 Any person violating any provision of this ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined in the amount not to exceed one thousand dollars (\$1,000.00) or be imprisoned in jail for a term not exceeding six (6) months or to be both so fined and imprisoned. Each day such violation continues or is permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.  
SECTION 13. SEVERABILITY.  
13.1 If any section, subsection, paragraph or part of this ordinance is for any reason held to be unconstitutional or invalid by any final court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance.  
SECTION 14. EFFECTIVE DATE.  
14.1 This ordinance shall be in full force and effect upon its approval by the Mayor and legal publication thereof.  
John Nuckolls

Councilman who is to be employed in the establishment. Such application shall contain the following information:  
(a) The name of the applicant and the name of the applicant;  
(b) The age of the applicant;  
(c) The sex of the applicant;  
(d) The address of the applicant;  
(e) The citizenship of the applicant;  
(f) Whether the applicant has been convicted of any public offense concerning an act of violence, moral turpitude, sex offense or prior violation of this ordinance;  
(g) The nature of the work performed; and  
(h) The name of the school or schools wherein the method, profession and work of massage therapist was taught to applicant and a copy of the diploma or certificate received by applicant.  
SECTION 7. HEALTH CERTIFICATE. Along with the application for a license required by this ordinance, there shall be submitted a certificate from the City County Board of Health in a form prescribed by the City Controller certifying that the applicant is free from communicable diseases and that an examination has been made within thirty (30) days prior to the application for the license.  
SECTION 8. LICENSE FEES.  
8.1 The person who desires a massage establishment operator's license shall pay an annual fee of One Hundred Dollars (\$100.00).  
8.2 The applicant for a massage therapist's license shall pay an annual fee of Fifty Dollars (\$50.00).  
8.3 The applicant for an employee's license in a massage establishment shall pay an annual fee of Fifty Dollars (\$50.00).  
SECTION 9. COMPLAINTS. All complaints of alleged violations of the provisions of this ordinance shall be made in writing to the City Controller.  
SECTION 10. INVESTIGATION OF APPLICANT: GROUNDS FOR DENIAL, REVOCATION OR SUSPENSION OF A LICENSE.  
10.1 The City Controller, before issuing any license pursuant to this ordinance, shall investigate the character of the applicant and its officers, directors and manager if it is a corporation. No license shall be issued if the City Controller shall find:  
(a) That any person named in the application has previously had a license with any massage establishment where the license has been revoked, or where any of the provisions of the law applicable to massage establishments have been violated;  
(b) That the premises sought to be licensed failed to comply in any manner with this ordinance or with other ordinances and laws applicable thereto;  
(c) That any person named in the application has ever been convicted of any act of violence, moral turpitude, sex offense or prior violation of this ordinance;  
(d) That any person named in the application cannot provide a certificate from a licensed medical practitioner certifying that the applicant is free from communicable diseases and that an examination has been made within thirty (30) days prior to the date of the application; and  
(e) That any person named in the application has made a false statement on the application.  
10.2 Any license issued for a massage establishment or a massage therapist or employee may be revoked or suspended by the City Controller after a hearing for good cause. Cause for revocation or suspension shall include the violation of any of the provisions of this ordinance or of any criminal statute of the State of Indiana by the applicant or by any employee of the operator or by any massage therapist employed by the operator.  
10.3 After a hearing on a written complaint filed pursuant to this ordinance against a licensee, if the City Controller, determining that the license should be revoked, no refund of the license fee shall be made.  
SECTION 11. LICENSE LOCATION AND TERM.  
11.1 All operators or massage therapists shall show their license in a visible location in their establishments.  
11.2 Licenses shall be granted for an initial term ending April 1st, next following the issuance of the license.  
11.3 Licenses shall be renewed annually. Such license must be renewed annually, and any renewal shall be for a term of one (1) year from May 1st to April 30th.  
SECTION 12. VIOLATION AND PENALTY.  
12.1 Any person violating any provision of this ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined in the amount not to exceed one thousand dollars (\$1,000.00) or be imprisoned in jail for a term not exceeding six (6) months or to be both so fined and imprisoned. Each day such violation continues or is permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.  
SECTION 13. SEVERABILITY.  
13.1 If any section, subsection, paragraph or part of this ordinance is for any reason held to be unconstitutional or invalid by any final court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance.  
SECTION 14. EFFECTIVE DATE.  
14.1 This ordinance shall be in full force and effect upon its approval by the Mayor and legal publication thereof.  
John Nuckolls

General Form No. 99 P (Rev. 1967)  
To. JOURNAL-GAZETTE  
Dr.  
FORT WAYNE, INDIANA  
Nays: None  
Absent One  
D. Schmidt  
Date: 7-27-76  
Charles W. Westerman  
City Clerk  
Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of July, 1976, at the hour of 11:30 A. M. E. S. T.  
Charles W. Westerman  
City Clerk  
Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-23-76 on the 27th day of July, 1976.  
ATTEST:  
Charles W. Westerman  
James S. Stier  
City Clerk  
Presiding Officer of the Mayor of the City of Fort Wayne, Indiana, on the 28th day of July, 1976, at the hour of 11:30 A. M. E. S. T.  
Robert E. Armstrong  
Mayor  
I, Charles W. Westerman, City Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance No. G-23-76 passed by the Common Council on the 27th day of July, 1976, and that said Ordinance was duly signed and approved by the Mayor on the 30th day of July, 1976 and now remains on file and record in my office.  
WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 30th day of July, 1976.  
Charles W. Westerman  
City Clerk  
8-5-8-12  
ent lines at 2594  
+ 92.68  
+ 100.18  
+ 1.50  
+ 100.18  
Size of type 5 1/2 point  
Size of quad upon which type is cast 5 1/2  
S. Acts 1967,  
st and correct, that the amount claimed is legally due, after allowing all just  
Arvilla Dewald  
Title. CLERK  
PUBLISHER'S AFFIDAVIT  
of Indiana ) ss:  
County )  
personally appeared before me, a notary public in and for said county and state, the  
signed ARVILLA DEWALD who, being duly sworn, says  
she is CLERK of the  
JOURNAL-GAZETTE  
DAILY newspaper of general circulation printed and published  
the English language in the city of FORT WAYNE, INDIANA  
date and county aforesaid, and that the printed matter attached hereto is a true copy,  
which was published in said paper for 2 time 8, the dates of publication being  
follows:  
8/5-12/76  
Arvilla Dewald  
12th day of August 1976  
scribed and sworn to before me this 12th day of August 1976  
Notary Public  
commission expires September 28, 1979



**Common Council of Fort Wayne**  
(Governmental Unit)

To **JOURNAL-GAZETTE**

Dr.

**Allen** County, Ind.

**FORT WAYNE, INDIANA**

**PUBLISHER'S CLAIM**

**LINE COUNT**

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines

Head number of lines

Body number of lines

Tail number of lines

Total number of lines in notice

379  
2  
381

**COMPUTATION OF CHARGES**

381 lines, 1 columns wide equals 381 equivalent lines at .250 cents per line

\$ 96.66

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two)

1.50

**TOTAL AMOUNT OF CLAIM**

\$ 100.16

**DATA FOR COMPUTING COST**

Width of single column 9.9 cms

- Size of type 5 1/2 point

Number of insertions 2

Size of quad upon which type is cast 5 1/2

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

*Annissa De Told*  
CLERK

Date August 12, 19 76

Title \_\_\_\_\_

**PUBLISHER'S AFFIDAVIT**

Allen Indiana }  
County }

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLE DEWALD who, being duly sworn, says that she is CLERK of the

JOURNAL-GAZETTE newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time 2, the dates of publication being as follows:

8/5-12/76

Subscribed and sworn to before me this 12th day of August, 19 76

My commission expires September 28, 1979

Notary Public

**HOCOLATE**  
**ATMEL!**

**R. WHIPPLE**  
**REALLY**  
**GETS**  
**ROUND!**

**MESSAGE**  
**EMPLOYEE**  
**GETS**  
**ROUND!**